

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
May 15, 2018**

AGENDA

8:30	Held	Reception for Commission on Organ and Tissue Donation, J. Lambert Conference Center, Reception Area
9:30	Done	Presentations
10:00	Done	Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
10:10	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Authorization to Advertise a Public Hearing to Consider Amendments to The Code of the County of Fairfax, Virginia - Chapter 30 (Minimum Private School and Child Care Facility Standards), Article 1 (In General) and Article 3 (Home Child Care Facilities)
2	Approved	Authorization to Advertise a Public Hearing to Lease County-Owned Property at 1500 Shenandoah Road to A Child's Place, Inc. (Mount Vernon District)
3	Approved	Extension of Review Period for 2232 Applications (Mount Vernon and Dranesville Districts)
4	Approved	Authorization to Advertise a Public Hearing for the De-creation of Small and Local Sanitary Districts for Leaf Collection Service (Mason & Dranesville Districts)
5	Approved	Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Oakton Residential Permit Parking District, District 19 (Providence District)
6	Approved	Approval of "\$200 Additional Fine for Speeding" Signs and "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Providence and Springfield Districts)
7	Approved	Authorization to Advertise a Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
May 15, 2018**

ACTION ITEMS

- | | | |
|---|-----------------|---|
| 1 | Approved | Authorization for Fairfax County Fire and Rescue Department (FRD) to Align Income Threshold at Which Individuals Qualify for Financial Hardship Waiver of Emergency Medical Services (EMS) Transport Bills with Charity Care Level Set at Predominant EMS Transport Destination |
| 2 | Approved | Adoption of a Resolution Approving the Issuance of Revenue Funding Bonds by the Economic Development Authority for the Benefit of George Mason University Foundation (GMUF) Mason Administration, LLC |
| 3 | Approved | Approval of Funding Authority, and a Standard Project Agreement with the Virginia Department of Transportation, for the Town Center Parkway Extension/Dulles Toll Road Underpass Alternatives Analysis (Hunter Mill District) |
| 4 | Approved | Approval of Funding Adjustments to the Transportation Priorities Plan, and Allocation of Funding from the Reston and Tysons Transportation Service Districts |

**INFORMATION
ITEMS**

- | | | |
|-------|--------------|--|
| 1 | Noted | Fairfax Connector May 2018 Service Adjustments |
| 10:20 | Done | Matters Presented by Board Members |
| 11:10 | Done | Closed Session |

**PUBLIC
HEARINGS**

- | | | |
|------|-----------------|---|
| 3:30 | Approved | Public Hearing on RZ 2017-HM-019 (TH Holding Company LLC) (Hunter Mill District) |
| 3:30 | Approved | Public Hearing on PCA 79-C-090-02 (TH Holding Company LLC) (Hunter Mill District) |
| 3:30 | Approved | Public Hearing on PCA 91-H-001 (TH Holding Company LLC) (Hunter Mill District) |
| 3:30 | Approved | Public Hearing on SE 2017-HM-016 (TH Holding Company LLC) (Hunter Mill District) |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
May 15, 2018**

**PUBLIC
HEARINGS
(Continued)**

3:30	Decision Only deferred to 6/5/18 at 3:30 p.m.	Public Hearing on RZ 2017-SP-029 (Christopher Land, LLC) (Springfield District)
4:00	Public Hearing deferred to 6/5/18 at 4:00 p.m.	Public Hearing on a Proposed Zoning Ordinance Amendment Re: Articles 8, 10, 18, and Appendix 2 – Minimum Required Rear Yard Coverage Limitations for Single-Family Detached Dwellings
4:00	Approved	Public Hearing on Plan Amendment 2013-III-DS1 (Dulles Suburban Center Study), Located in Western Fairfax County, Adjacent to the Eastern and Southern Boundaries of the Washington Dulles International Airport and East of Loudoun County (Sully and Dranesville Districts)
4:00	Approved	Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of TMSAMS – Scotts Run Walkway (Providence District)
4:30	Approved	Public Hearing on Proposed Plan Amendment 2018-IV-MV1, Located on the East Side of Lukens Lane, South of Richmond Highway (Mount Vernon District)
4:30	Held	Public Comment

REVISED



Fairfax County, Virginia ***BOARD OF SUPERVISORS*** ***AGENDA***

Tuesday
May 15, 2018

9:30 a.m.

PRESENTATIONS

- CERTIFICATE – To recognize the James Madison High School softball team for winning the 2017 Virginia High School League 6A softball championship. Requested by Supervisor Hudgins.
- CERTIFICATE – To recognize James Madison High School Girls Swim and Dive for winning the 2018 Virginia High School League 6A swimming and diving championship. Requested by Supervisor Hudgins.
- PROCLAMATION – To designate May 15, 2018, as Peace Officers Memorial Day and May 13-19, 2018, as Police Week in Fairfax County. Requested by Chairman Bulova.
- RESOLUTION – To thank Michael F. LeMay for his years of service to Fairfax County. Requested by Supervisor Hudgins.
- RESOLUTION – To commemorate the accomplishments of the former Commission on Organ and Tissue Donation and Transplantation. Requested by Supervisor Hudgins.

— more —

Board Agenda Item
May 15, 2018

- PROCLAMATION – To designate May 14-18, 2018, as Continuity Awareness Week in Fairfax County. Requested by Supervisor Cook.
- PROCLAMATION – To designate May 2018 as Building Safety Month in Fairfax County. Requested by Supervisor Smith.
- PROCLAMATION – To designate May 20-26, 2018, as Public Works Week in Fairfax County. Requested by Chairman Bulova.
- PROCLAMATION – To designate May 14-20, 2018, as Salvation Army Week in Fairfax County. Requested by Chairman Bulova.

STAFF:

Tony Castrilli, Director, Office of Public Affairs
Bill Miller, Office of Public Affairs
Austin Hendrick, Office of Public Affairs

Board Agenda Item
May 15, 2018

10:00 a.m.

Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard May 15, 2018
(An updated list will be distributed at the Board meeting.)

STAFF:

Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors

FINAL COPY

APPOINTMENTS TO BE HEARD MAY 15, 2018
(ENCOMPASSING VACANCIES PROJECTED THROUGH MAY 31, 2018)
 (Unless otherwise noted, members are eligible for reappointment)

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE
(1 year)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Ronald Copeland; appointed 1/05-1/17 by Hudgins) Term exp. 1/18 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill
Eileen J. Garnett (Appointed 1/03-2/17 by Gross) Term exp. 1/18	Mason District Representative		Gross	Mason

ADVISORY SOCIAL SERVICES BOARD
(4 years – limited to 2 full consecutive terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Francine Ronis; appointed 2/16 by L. Smyth) Term exp. 9/17 <i>Resigned</i>	Providence District Representative		L. Smyth	Providence

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ADVISORY SOCIAL SERVICES BOARD
(4 years – limited to 2 full consecutive terms)
continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Tyler Hosford; appointed 1/17 by McKay) Term exp. 9/20 <i>Resigned</i>	Lee District Representative	Larysa M. Kautz	McKay	Lee

AFFORDABLE DWELLING UNIT ADVISORY BOARD (4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Sean Perryman; appointed 3/17 by Cook) Term exp. 5/18 <i>Resigned</i>	Citizen Representative		By Any Supervisor	At-Large
Mark Drake (Appointed 2/09-5/12 by McKay) Term exp. 5/16	Engineer/Architect/ Planner #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by James Francis Carey; appointed 2/95-5/02 by Hanley; 5/06 by Connolly) Term exp. 5/10 <i>Resigned</i>	Lending Institution Representative		By Any Supervisor	At-Large
Francis C. Steinbauer (Appointed 08/02- 05/14 by Hudgins) Term exp. 5/18	Non-Profit Housing Representative	Francis C. Steinbauer (Hudgins)	By Any Supervisor	At-Large

AIRPORTS ADVISORY COMMITTEE (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by George Page; appointed 1/05-1/16 by Hudgins) Term exp. 1/19 <i>Resigned</i>	Hunter Mill Business Representative		Hudgins	Hunter Mill
VACANT (Formerly held by Sherri D. Jordan; appointed 10/08-1/15 by Hyland) Term exp. 1/18 <i>Resigned</i>	Mount Vernon District Representative		Storck	Mount Vernon

ANIMAL SERVICES ADVISORY COMMISSION (2 years)

[Note: In addition to attendance at Commission meetings, members shall volunteer at least 24 hours per year in some capacity for the Animal Services Division.]

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Bernadette Carter (Appointed 4/16 by K. Smith) Term exp. 2/18	Sully District Representative	Jennifer J. Christiansen	K. Smith	Sully

ARCHITECTURAL REVIEW BOARD (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (John Boland; appointed 2/91-9/95 by Dix; 7/01 by Mendelsohn; 9/04-9/07 by DuBois; 9/10-9/13 by Foust) Term exp. 9/16 <i>Resigned</i>	Attorney Representative	Jason F. Zellman (Herrity)	By Any Supervisor	At-Large

ATHLETIC COUNCIL (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Karin Stamper; appointed 9/09-4/16 by McKay) Term exp. 4/18 <i>Resigned</i>	Lee District Alternate Representative		McKay	Lee
VACANT (Formerly held by Terry Adams; appointed 11/11-7/13 by Gross) Term exp. 6/15	Mason District Alternate Representative		Gross	Mason
Mr. Chip Chidester (Appointed 3/10-10/15 by Bulova) Term exp. 10/17	Member-At-Large Alternate Representative		Bulova	At-Large Chairman

CONFIRMATION NEEDED:

- Mr. Charles Williams as the Town of Herndon Principal Representative

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE (1 year)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Judith Fogel; appointed 6/12-5/15 by Gross) Term exp. 6/16 Resigned	Mason District Representative		Gross	Mason

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BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE (1 year)
continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Joshua D. Foley; appointed 9/13-6/16 by Herrity) Term exp. 6/17 Resigned	Springfield District Representative		Herrity	Springfield
VACANT (Formerly held by Olga Hernandez; appointed 9/04-6/15 by Frey; 7/16-7/17 by K. Smith) Term exp. 6/18) <i>Resigned</i>	Sully District Representative		K. Smith	Sully

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS (4 years)

(No official, technical assistant, inspector or other employee of the DPWES, DPZ,
or FR shall serve as a member of the board.)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Susan Kim Harris; appointed 5/09-2/11 by Hudgins) Term exp. 2/15 <i>Resigned</i>	Alternate #4 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Gita Amiri; appointed 2/12-2/14 by Frey) Term exp. 2/18 <i>Resigned</i>	Design Professional #6 Representative		By Any Supervisor	At-Large

**BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)
(2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Thomas Parr; appointed 12/04-12/08 by Connolly; 12/10-12/16 by Bulova) Term exp. 12/18 <i>Resigned</i>	At-Large #1 Representative	Asim Elfaki (Bulova)	By Any Supervisor	At-Large

**CHESAPEAKE BAY PRESERVATION ORDINANCE
EXCEPTION REVIEW COMMITTEE (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Howard Green; appointed 05/09-09/15 by Hudgins) Term exp. 9/19 <i>Resigned</i>	Hunter Mill District Representative	Kenneth J. Lanfear	Hudgins	Hunter Mill
VACANT (Formerly held by Grant Sitta; appointed 9/10-9/15 by Gross) Term exp. 9/19 <i>Resigned</i>	Mason District Representative		Gross	Mason

CHILD CARE ADVISORY COUNCIL (2 years)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Mercedes O. Dash (Appointed 3/15 by L. Smyth) Term exp. 9/17	Providence District Representative		L. Smyth	Providence
VACANT (Formerly held by Hugh Mac Cannon; appointed 12/09-9/14 by Herrity) Term exp. 9/16 <i>Resigned</i>	Springfield District Representative	Kerry O'Brien	Herrity	Springfield

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY (2 years)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Jade Harberg (Appointed 7/16 by Bulova) Term exp. 5/18	At-Large Chairman's Representative		Bulova	At-Large Chairman's
James Sobecke (Appointed 6/14-5/16 by Cook) Term exp. 5/18	Braddock District Representative	James Sobecke	Cook	Braddock
William J. McKenna (Appointed 6/16 by Foust) Term exp. 5/18	Dranesville District Representative	William J. McKenna	Foust	Dranesville
Patrick J. Scott (Appointed 10/16 by Hudgins) Term exp. 5/18	Hunter Mill District Representative		Hudgins	Hunter Mill

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CITIZEN CORPS COUNCIL, FAIRFAX COUNTY (2 years)
continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Linda J. Waller (Appointed 9/14-5/16 by McKay) Term exp. 5/18	Lee District Representative	Linda J. Waller	McKay	Lee
Brian P. Foley (Appointed 7/14-5/16 by Gross) Term exp. 5/18	Mason District Representative	Gary R. Nisker	Gross	Mason
Jonathan Kiell (Appointed 4/15 by Hyland; 7/16 by Storck) Term exp. 5/18	Mount Vernon District Representative	Jonathan Kiell	Storck	Mount Vernon
Nicholas Ludlum (Appointed 1/17 by L. Smyth) Term exp. 5/18	Providence District Representative		L. Smyth	Providence
James R. Kirkpatrick (Appointed 9/08-5/16 by Herrity) Term exp. 5/18	Springfield District Representative	James R. Kirkpatrick	Herrity	Springfield
Caitlin Hutchison (Appointed 12/16 by K. Smith) Term exp. 5/18	Sully District Representative	Caitlin Hutchison	K. Smith	Sully

CIVIL SERVICE COMMISSION (2 years)

[NOTE: The Commission shall include at least 3 members who are male, 3 members who are female, and 3 members who are from a member of a minority group.]

Current Membership: Males - 9 Females – 3 Minorities: 5

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Ronald Copeland; appointed 9/04-1/17 by Hudgins) Term exp. 12/18 <i>Resigned</i>	At-Large #2 Representative		By Any Supervisor	At-Large
Rosemarie Annunziata (Appointed 10/05-1/08 by Connolly; 12/09- 1/16 by Bulova) Term exp. 12/17	At-Large #3 Representative		By Any Supervisor	At-Large

COMMISSION FOR WOMEN (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Kathryn McDaniel; Appointed 10/14- 12/17 by Herrity) Term exp. 10/20 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

<p align="center">COMMISSION ON AGING (2 years)</p>
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Steve Gurney (Appointed 3/17 by Hudgins) Term exp. 5/18	Hunter Mill District Representative		Hudgins	Hunter Mill
Sharron Dreyer (Appointed 9/14-5/16 by McKay) Term exp. 5/18	Lee District Representative	Sharron Dreyer	McKay	Lee
Kathleen Hoyt (Appointed 12/16 by Gross) Term exp. 5/18	Mason District Representative	Kathleen Hoyt	Gross	Mason
VACANT (Formerly held by Robert Kuhns; appointed 2/15 by Hyland; 9/16 by Storck) Term exp. 9/18 Resigned	Mount Vernon District Representative		Storck	Mount Vernon
Cathy Muha (Appointed 4/16 by K. Smith) Term exp. 5/18	Sully District Representative	Cathy Muha	K. Smith	Sully

<p align="center">COMMUNITY ACTION ADVISORY BOARD (CAAB) (3 years)</p>

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Florine S. Murphy; appointed 9-17-2/18 by McKay) Term exp. 2/21 <i>Resigned</i>	Lee District Representative	Michele Menapace	McKay	Lee

**CONSUMER PROTECTION COMMISSION
(3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Rodney Woodruff; appointed 4/16 by K. Smith) Term exp. 7/18 <i>Resigned</i>	Fairfax County Resident #7 Representative		By Any Supervisor	At-Large

CRIMINAL JUSTICE ADVISORY BOARD (CJAB) (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Robert Gehring; appointed 1/14-2/15 by Hudgins) Term exp. 2/18 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill

CONFIRMATION NEEDED:

- Mr. Kofi Annan as the NAACP Representative

**DULLES RAIL TRANSPORTATION IMPROVEMENT
DISTRICT ADVISORY BOARD, PHASE I
(4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Thomas D. Fleury (Appointed 6/01-3/14 by L. Smyth) Term exp. 3/18	At-Large #5 Representative		By Any Supervisor	At-Large
Michael J. Cooper (Appointed 3/04-3/14 by L. Smyth) Term exp. 3/18	At-Large #6 Representative		By Any Supervisor	At-Large

ECONOMIC ADVISORY COMMISSION (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Mark Silverwood; appointed 1/09-11/14 by Hudgins) Term exp. 12/17 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill

CONFIRMATION NEEDED:

- Mr. Sol Glasner as the At-Large #13 Representative

ENGINEERING STANDARDS REVIEW COMMITTEE (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Robert L. Norwood (Appointed 9/97-3/03 by Hanley; 3/06-3/09 by Connolly; 5/12-4/15 by Bulova) Term exp. 3/18	Citizen #1 Representative	Robert L. Norwood (Bulova)	By Any Supervisor	At-Large
John William Ewing (Appointed 5/16 by Bulova) Term exp. 3/18	Citizen #2 Representative		By Any Supervisor	At-Large
Maya Huber (Appointed 12/09-1/14) Term exp. 12/16	Citizen #4 Representative	Maya Huber (Bulova)	By Any Supervisor	At-Large

CONFIRMATION NEEDED:

- Mr. Ned Poffenberger as the Federation of Citizens Associations Representative

FAIRFAX AREA DISABILITY SERVICES BOARD**(3 years- limited to 2 full consecutive terms per MOU, after initial term)**

[NOTE: Persons may be reappointed after being off for 3 years. State Code requires that membership in the local disabilities board include at least 30 percent representation by individuals with physical, visual or hearing disabilities or their family members. For this 15-member board, the minimum number of representation would be 5.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Timothy W. Lavelle (Appointed 4/09-12/14 by Bulova) Term exp. 11/17 <i>Not eligible for reappointment</i>	At-Large #2 Business Community Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Harriet Epstein; appointed 5/10-12/16 by L. Smyth) Term exp. 11/19 <i>Resigned</i>	Providence District Representative		L. Smyth	Providence

**FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL
(2 years)**

CONFIRMATION NEEDED:

- Ms. Rose M. Sutton as the Advocacy Organizations #4 Representative

**FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION
BOARD OF DIRECTORS (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Theresa L. Fox; appointed 1/06-5/14 by Gross) Term exp. 6/17 <i>Resigned</i>	Mason District Representative	William D. Lecos	Gross	Mason

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD**(3 years – limited to 3 full terms)**

[NOTE: In accordance with *Virginia Code* Section 37.2-501, "prior to making appointments, the governing body shall disclose the names of those persons being considered for appointment." Members can be reappointed after 1 year break from initial 3 full terms, VA Code 37.2-502.]

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Daria Akers (Appointed 11/16 by Bulova) Term exp. 6/18	At-Large Chairman's Representative	Daria Akers <i>(Will be confirmed on June 19, 2018)</i>	Bulova	At-Large Chairman's
Molly E. Long (Appointed 12/14-6/15 by Cook) Term exp. 6/18 <i>Resignation eff. 6/18</i>	Braddock District Representative	Rachna S. Heizer <i>(Will be confirmed on June 19, 2018)</i>	Cook	Braddock
Bettina Lawton (Appointed 1/16 by Hudgins) Term exp. 6/18	Hunter Mill District Representative		Hudgins	Hunter Mill
Suzette Kern (Appointed 9/12-6/15 by McKay) Term exp. 6/18	Lee District Representative		McKay	Lee

HEALTH CARE ADVISORY BOARD (4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Chafiq Moummi; appointed 1/17 by McKay) Term exp. 6/20 <i>Resigned</i>	Lee District Representative	Carol Mizoguchi	McKay	Lee
VACANT (Formerly held by Deborah Leser; appointed 2/16-5/16 by K. Smith) Term exp. 6/20 <i>Resigned</i>	Sully District Representative	Philippe Beauchene	K. Smith	Sully

HEALTH SYSTEMS AGENCY BOARD
(3 years - limited to 2 full terms, may be reappointed after 1 year lapse)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Richard T. Hartman (Appointed 2/14 by Bulova) Term exp. 6/17	Consumer #1 Representative		By Any Supervisor	At-Large

HISTORY COMMISSION (3 years)

[NOTE: The Commission shall include at least one member who is a resident from each supervisor district.] Current Membership:

Braddock - 3	Lee - 2	Providence - 1
Dranesville - 2	Mason - 1	Springfield - 2
Hunter Mill - 3	Mt. Vernon - 2	Sully - 2

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Esther W. McCullough (Appointed 3/00- 11/02 by Hanley; 12/05-12/08 by Connolly; 3/12-9/15 by Bulova) Term exp. 12/17 <i>Sully District resident</i>	Citizen #10 Representative	Esther W. McCullough (Bulova)	By Any Supervisor	At-Large
VACANT (Formerly held by Naomi D. Zeavin; appointed 1/95 by Trapnell; 1/96-11/13 by Gross) Term exp. 12/16 <i>Mason District Resident Resigned</i>	Historian #1 Representative		By Any Supervisor	At-Large

HUMAN RIGHTS COMMISSION (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Daoud Khairallah (Appointed 11/05-9/14 by Gross) Term exp. 9/17	At-Large #8 Representative		By Any Supervisor	At-Large

HUMAN SERVICES COUNCIL (4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Adrienne M. Walters; appointed 3/14 by L. Smyth) Term exp. 7/17 <i>Resigned</i>	Providence District #2 Representative		L. Smyth	Providence

**LIBRARY BOARD
(4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Willard O. Jasper (Appointed 3/04-5/06 by Kauffman; 5/10-5/14 by McKay) Term exp. 5/18	Lee District Representative	Willard O. Jasper	McKay	Lee

MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY (4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Gary Hurst; appointed 1/10-2/16 by L. Smyth) Term exp. 1/20 <i>Resigned</i>	Developer Representative		By Any Supervisor	At-Large

**OVERSIGHT COMMITTEE ON DISTRACTED AND
IMPAIRED DRIVING (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by William Uehling; appointed 3/10-7/12 by Bulova) Term exp. 6/15 <i>Resigned</i>	Braddock District Representative		Cook	Braddock
VACANT (Formerly held by Amy K. Reif; appointed 8/09-6/12 by Foust) Term exp. 6/15 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Adam Parnes; appointed 9/03-6/12 by Hudgins) Term exp. 6/15 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill
VACANT (Formerly held by Jeffrey Levy; Appointed 7/02-6/13 by Hyland) Term exp. 6/16 <i>Resigned</i>	Mount Vernon District Representative		Storck	Mount Vernon
VACANT (Formerly held by Tina Montgomery; appointed 9/10-6/11 by L. Smyth) Term exp. 6/14 <i>Resigned</i>	Providence District Representative		L. Smyth	Providence

PARK AUTHORITY (4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Mary Cortina; appointed 2/13-1/16 by Bulova) Term exp. 12/19 <i>Resigned</i>	At-Large #1 Representative	James P. Zook (Bulova)	By Any Supervisor	At-Large

<p>RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD</p> <p>The Board of Supervisors established the advisory board on April 4, 2017</p> <p>There will be a total of 14 members on this advisory board. The appointees would serve for 4 year terms from April 4, 2017</p>

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
NEW POSITION	Residential Owners and HOA/Civic Association #1 Representative		Foust or Hudgins	At-Large
NEW POSITION	Residential Owners and HOA/Civic Association #2 Representative		Foust or Hudgins	At-Large
NEW POSITION	Residential Owners and HOA/Civic Association #3 Representative		Foust or Hudgins	At-Large
VACANT (Formerly held by Tyler Aaron Hall; appointed 9/17 by Hudgins) Term exp. 9/21 <i>Resigned</i>	Apartment or Rental Owner Associations Representative		Hudgins	At-Large

ROAD VIEWERS BOARD (1 year)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Joseph Bunnell; appointed 9/05-12/06 by McConnell; 2/08-11/13 by Herrity) Term exp. 12/14 <i>Resigned</i>	At-Large #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Stephen E. Still; appointed 6/06-12/11 by L. Smyth) Term exp. 12/12 <i>Resigned</i>	At-Large #4 Representative		By Any Supervisor	At-Large

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL (2 years)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Emily Huaroco (Appointed 10/16 by Hudgins) Term exp. 3/18	Fairfax County #5 Representative		By Any Supervisor	At-Large

TENANT LANDLORD COMMISSION (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Michael Congleton; appointed 7/13-2/17 by Herrity) Term exp. 1/20 <i>Resigned</i>	Citizen Member #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Sally D. Liff; appointed 8/04-1/11 by L. Smyth) Term exp. 1/14 <i>Deceased</i>	Condo Owner Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Angelina Panettieri; appointed 6/11-1/15 by L. Smyth) Term exp. 1/18	Tenant Member #1 Representative		By Any Supervisor	At-Large

TRAILS AND SIDEWALKS COMMITTEE (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Steve Descano (Appointed 7/15 by Gross) Term exp. 1/18 <i>Resigned</i>	Mason District Representative	James Albright	Gross	Mason

TREE COMMISSION (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Thomas D. Fleury (Appointed 1/17 by L. Smyth) Term exp. 10/17	Providence District Representative		L. Smyth	Providence

**TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD
(2 YEARS)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Molly Peacock; appointed 2/13-1/15 by L. Smyth) Term exp. 2/17 <i>Resigned</i>	Providence District Representative #2		L. Smyth	Providence

WETLANDS BOARD (5 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Deana M. Crumbling (Appointed 1/14 by Bulova) Term exp. 7/16	Alternate #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Glenda Booth; appointed 4/88-1/13 by Hyland) Term exp. 12/17 <i>Resigned</i>	Mount Vernon District #1 Representative	Douglas M. Kleine	Storck	Mount Vernon

Board Agenda Item
May 15, 2018

10:10 a.m.

Items Presented by the County Executive

Board Agenda Item
May 15, 2018

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing to Consider Amendments to The Code of the County of Fairfax, Virginia - Chapter 30 (Minimum Private School and Child Care Facility Standards), Article 1 (In General) and Article 3 (Home Child Care Facilities)

ISSUE:

Authorization to advertise a public hearing to consider amendments to *The Code of the County of Fairfax*, Chapter 30, Article 1 and 3.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the public hearing on June 19, 2018, at 4:00 p.m., to consider adoption of these amendments.

TIMING:

Board action is requested on May 15, 2018 to provide sufficient time to advertise a June 19, 2018 public hearing on the proposed amendments.

BACKGROUND:

Chapter 30, Article 1 of the County Code provides definitions for words and phrases pertaining to minimum private school and child care facility standards. Section 30-1-1 of this Chapter outlines the barrier offenses which bar an applicant from obtaining a home child care facility permit. Chapter 30, Article 3, of the County Code regulates Home Child Care Facilities in which a person cares for four or fewer children. Section 30-3-2 of this Chapter sets forth the requirements for the applicant of a proposed home child care facility and each adult resident in the facility.

Section 30-1-1 provides a list of barrier offenses which bar an applicant from obtaining a home child care facility or mandate revocation of an existing permit. The proposed amendment to Section 30-1-1 will update the list of barrier offenses as approved in the 2017 Virginia General Assembly. The amendment brings the Fairfax County Code's definition of barrier offenses in line with those offenses that mandate a denial or revocation of a state child care license.

Board Agenda Item
May 15, 2018

Section 30-3-2 currently requires a search of the Virginia Central Criminal Records Exchange every three years for each applicant and adult resident in a facility. In addition, this section requires a search of child protective services agencies every three years for each applicant, adult resident, and minors age 14 and older to determine if the individual has been the subject of a founded complaint of abuse or neglect. The Office for Children is proposing to replace the state search with a fingerprint-based national background check every five years for each applicant and adult resident in the facility, with a requirement that existing providers and adult residents complete the fingerprint-based national background check by September 30, 2018. The Office for Children is also proposing to change the child protective services search to every five years for each applicant, adult resident and minors age 14 and older. The amendment reflects new federal and state requirements for background checks for child care facilities.

Currently, the cost to complete a state background check is \$15.00. The current cost of the fingerprint-based national background check is \$33.72, which will be an increased cost to the provider of \$18.72.

The proposed amendment to Section 30-3-2 also authorizes the Office for Children to obtain a copy of the results of a search of the central registry and any child abuse and neglect registry or equivalent registry maintained by any other state in which the applicant and/or adult resident has resided in the preceding five years for any founded complaint of child abuse or neglect against him/her. This proposed amendment will align the County Code with new state licensing requirements for child care facilities.

The proposed amendments also delete language from Section 30-3-4 in reference to annual training hours required, which set forth time deadlines that have expired and serve no further purpose.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Amendments to *The Code of the County of Fairfax*, Chapter 30, Article 1 and 3.

STAFF:

Tisha Deeghan, Deputy County Executive
Nannette M. Bowler, Director, Department of Family Services
Anne-Marie D. Twohie, Director, Office for Children, Department of Family Services

ASSIGNED COUNSEL:

Daniel Robinson, Assistant County Attorney

**AN ORDINANCE AMENDING
ARTICLES 1 AND 3 OF CHAPTER 30 OF THE FAIRFAX COUNTY CODE,
RELATING TO HOME CHILD CARE FACILITIES**

Draft of April 12, 2018

AN ORDINANCE to amend the Fairfax County Code by amending and readopting Sections 30-1-1, 30-3-2 and 30-3-4, relating to barrier offenses and home child care facilities.

Be it ordained by the Board of Supervisors of Fairfax County:

1. That Sections 30-1-1, 30-3-2 and 30-3-4 are amended and readopted as follows:

Article 1. – In General.

Section 30-1-1. - Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Adult means a person 18 years of age or older.

Barrier offense means offenses which bar an applicant from obtaining a home child care facility permit pursuant to this Chapter or mandate revocation of an outstanding permit. Barrier offenses are:

- (1) —If the provider or any person who resides in the home is convicted of (i) any of the following offenses set out in the Virginia Code: a felony violation of § 16.1-253.2; any violation of § 18.2-31, 18.2-32, 18.2-32.1, 18.2-32.2, 18.2-33, 18.2-35, 18.2-36, 18.2-36.1, 18.2-36.2, 18.2-41, or 18.2-42; any felony violation of § 18.2-46.2, 18.2-46.3, 18.2-46.3:1, or 18.2-46.3:3; any violation of § 18.2-46.5, 18.2-46.6, or 18.2-46.7; any violation of subsection A or B of § 18.2-47; any violation of § 18.2-48, 18.2-49, or 18.2-50.3; any violation of § 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3, 18.2-51.4, 18.2-51.5, 18.2-51.6, 18.2-52, 18.2-52.1, 18.2-53, 18.2-53.1, 18.2-54.1, 18.2-54.2, 18.2-55, 18.2-55.1, 18.2-56, 18.2-56.1, 18.2-56.2, 18.2-57, 18.2-57.01, 18.2-57.02, 18.2-57.2, 18.2-58, 18.2-58.1, 18.2-59, 18.2-60, or 18.2-60.1; any felony violation of § 18.2-60.3 or 18.2-60.4; any violation of § 18.2-61, 18.2-63, 18.2-64.1, 18.2-64.2, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-67.5, 18.2-67.5:1, 18.2-67.5:2, 18.2-67.5:3, 18.2-77, 18.2-79, 18.2-80, 18.2-81, 18.2-82, 18.2-83, 18.2-84, 18.2-85, 18.2-86, 18.2-87, 18.2-87.1, or 18.2-88; any felony violation of § 18.2-279, 18.2-280, 18.2-281, 18.2-282, 18.2-282.1, 18.2-286.1, or 18.2-287.2; any violation of § 18.2-289, 18.2-290, 18.2-300, 18.2-308.4, or 18.2-314; any felony violation of § 18.2-346; any violation of § 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1; any violation of subsection B of § 18.2-361; any violation of § 18.2-366, 18.2-369, 18.2-370, 18.2-370.1, 18.2-370.2, 18.2-370.3, 18.2-

370.4, 18.2-370.5, 18.2-370.6, 18.2-371.1, 18.2-374.1, 18.2-374.1:1, 18.2-374.3, 18.2-
 374.4, 18.2-379, 18.2-386.1, or 18.2-386.2; any felony violation of § 18.2-405 or 18.2-
 406; any violation of § 18.2-408, 18.2-413, 18.2-414, 18.2-423, 18.2-423.01, 18.2-423.1,
 18.2-423.2, 18.2-433.2, 18.2-472.1, 18.2-474.1, 18.2-477, 18.2-477.1, 18.2-477.2, 18.2-
 478, 18.2-479, 18.2-480, 18.2-481, 18.2-484, 18.2-485, 37.2-917, or 53.1-203; any
 violation of § 18.2-89, 18.2-90, 18.2-91, 18.2-92, 18.2-93, or 18.2-94; any felony
 violation of § 18.2-248, 18.2-248.01, 18.2-248.02, 18.2-248.03, 18.2-248.1, 18.2-248.5,
 § 18.2-250, 18.2-251.2, 18.2-251.3, 18.2-255, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-
 258.1, or 18.2-258.2; (ii) any substantially similar offense under the laws of another
 jurisdiction; (iii) any offense set forth in Va. Code § 9.1-902 that results in the person's
 requirement to register with the Sex Offender and Crimes Against Minors Registry
 pursuant to Va. Code § 9.1-901, including any finding that a person is not guilty by reason
 of insanity in accordance with Chapter 11.1 (§ 19.2-182.2 et seq.) of Title 19.2 of the
 Virginia Code of an offense set forth in Va. Code § 9.1-902 that results in the person's
 requirement to register with the Sex Offender and Crimes Against Minors Registry
 pursuant to Va. Code § 9.1-901, or any substantially similar offense under the laws of
 another jurisdiction, or any offense for which registration in a sex offender and crimes
 against minors registry is required under the laws of the jurisdiction where the offender
 was convicted; (iv) any other felony not included in clause (i), (ii), or (iii), unless five
 years have elapsed from the date of the conviction; or (v) any offense listed as a "Barrier
 crime" in Va. Code § 19.2-392.02, including all subsequent amendments or modifications
 thereto. (a) any of the following offenses set out in the *Virginia Code*: a felony violation
 of a protective order as set out in § 16.1-253.2; murder or manslaughter as set out in
 Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2; malicious wounding by mob as
 set out in § 18.2-41; abduction as set out in § 18.2-47(A) or (B); abduction for immoral
 purposes as set out in § 18.2-48; assaults and bodily woundings as set out in Article 4 (§
 18.2-51 et seq.) of Chapter 4 of Title 18.2; robbery as set out in § 18.2-58; carjacking as
 set out in § 18.2-58.1; extortion by threat as set out in § 18.2-59; threats of death or bodily
 injury as set out in § 18.2-60; felony stalking as set out in § 18.2-60.3; a felony violation
 of a protective order as set out in § 18.2-60.4; sexual assault as set out in Article 7 (§
 18.2-61 et seq.) of Chapter 4 of Title 18.2; arson as set out in Article 1 (§ 18.2-77 et seq.)
 of Chapter 5 of Title 18.2; burglary as set out in Article 2 (§ 18.2-89 et seq.) of Chapter
 5 of Title 18.2; any felony violation relating to possession or distribution of drugs as set
 out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2; drive by shooting as set
 out in § 18.2-286.1; use of a machine gun in a crime of violence as set out in § 18.2-289;
 aggressive use of a machine gun as set out in § 18.2-290; use of a sawed-off shotgun in a
 crime of violence as set out in § 18.2-300(A); pandering as set out in § 18.2-355; crimes
 against nature involving children as set out in § 18.2-361; incest as set out in § 18.2-366;
 taking indecent liberties with children as set out in § 18.2-370 or § 18.2-370.1; abuse and
 neglect of children as set out in § 18.2-371.1; failure to secure medical attention for an
 injured child as set out in § 18.2-314; obscenity offenses as set out in § 18.2-374.1;
 possession of child pornography as set out in § 18.2-374.1:1; electronic facilitation of
 pornography as set out in § 18.2-374.3; abuse and neglect of incapacitated adults as set
 out in § 18.2-369; employing or permitting a minor to assist in an act constituting an
 offense under Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2 as set out in § 18.2-
 379; delivery of drugs to prisoners as set out in § 18.2-474.1; escape from jail as set out

~~in § 18.2-477; felonies by prisoners as set out in § 53.1-203; or (b) an equivalent offense in another state; or (c) any other felony unless five years have elapsed since the conviction.~~ Convictions shall include prior adult convictions and juvenile convictions and adjudications of delinquency based on a crime that would be a felony if committed by an adult within or outside the Commonwealth.

(2) If the provider or a person who resides in the home is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth; and

(3) If the provider makes a false statement regarding a material fact on an application for a home child care permit under this Chapter; this bar shall remain in effect for a period of one year from the time the permit is denied or revoked on this basis.

Director of Health means the Director of the Fairfax County Health Department or the authorized agent of the Director of the Fairfax County Health Department.

Director of the Office for Children means the Director of the Fairfax County Office for Children or the authorized agent of the Director of the Fairfax County Office for Children.

Home child care facility means any facility located in a dwelling or mobile home, as defined in Article 20 of Chapter 112 of the Fairfax County Code (the Zoning Ordinance), where a person, for compensation, regularly provides care, protection, supervision and guidance to one or more children who do not reside in the facility and who are not attended by a parent, guardian or legal custodian while they are in that facility, during a part of the day for at least four days of a calendar week. If, on a regular basis, a person receives compensation for the care, protection, supervision and guidance of one or more children in a structure other than a dwelling or mobile home, as defined in the Zoning Ordinance, that facility shall be deemed to be a child care center and included within those facilities defined in this Section. A home child care facility does not include: (i) any family day home licensed by the Commonwealth pursuant to *Virginia Code* § 63.2-1701 or any facility exempted from licensure by *Virginia Code* § 63.2-1715; (ii) any dwelling or mobile home where a person provides care solely for children who reside there; or (iii) any dwelling or mobile home where a person provides care solely for relatives of the resident owner or tenant. However, if on a regular basis, a person receives compensation for the care, protection, supervision and guidance of one or more children who do not reside in that dwelling or mobile home and who are not attended by a parent, guardian or legal custodian while they are in that dwelling or mobile home during a part of the day for at least four days of a calendar week, and a home child care facility is established thereby, then any children who are related to the person who provides such care and are present in that dwelling or mobile home and any other children who reside in that dwelling or mobile home shall be counted and considered in determining whether the facility complies with the provisions of this Chapter.

Occasional child care means care provided on an hourly basis, for one or more children between the ages of six weeks and 12 years of age, for a period not to exceed four hours within any one day, which is contracted for by a parent, guardian, or legal custodian for the same child not more than ten days within a calendar month.

Permit means authorization from the County to operate a private school, nursery school, child care center or home child care facility for the care, guidance, education, training or protection of children in compliance with this Chapter.

1 *Private school, nursery school, or child care center* means any place, home, facility, or
 2 institution, however designated, or any part thereof, that (1) is eligible for an exemption from state
 3 licensure pursuant to *Virginia Code* §§ 63.2-1716 and 63.2-1717; (2) is operated for the purposes
 4 of providing care, guidance, education or training; and (3) receives on a regular basis, for any
 5 period of more than one hour but less than twenty-four hours in any twenty-four-hour period, one
 6 or more children under the age eligible for enrollment in the Fairfax County Public Schools who
 7 are not attended by a parent, guardian or person with legal custody. A home child care facility, as
 8 defined in this Section, shall not be included within this definition.

9 *Provider* means the adult responsible for obtaining the permit and for the day-to-day operation
 10 of the home child care facility. The provider is responsible for providing care, protection,
 11 supervision, and guidance to children in a home child care facility.

12 *Substitute Care Provider* means any person who provides care, protection, supervision, and
 13 guidance to children when the provider is away from the home child care facility.

14 **Article 3. – Home Child Care Facilities.**

15 **Section 30-3-2. - Annual permit application, issuance or denial.**

16 (a) A person proposing to operate a home child care facility, and each adult who resides in the
 17 proposed facility, shall submit to fingerprinting and shall provide personal descriptive
 18 information to be forwarded along with each individual's fingerprints through the Central
 19 Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of
 20 obtaining criminal history record information regarding each such person. The applicant shall
 21 also submit an application on a form prepared by the Director of the Office for Children, which
 22 shall include:
 23

24 (i) The name and address of the home child care facility;

25 (ii) The name of the applicant;

26 (iii) A statement of whether the applicant currently holds or previously held a home child care
 27 facility permit in the County;

28 (iv) The names of all persons who reside in the home;

29 (v) A sworn statement from the applicant and each adult who resides in the proposed facility
 30 stating whether he or she has ~~committed any barrier offense, ever been convicted of or is~~
 31 the subject of any pending charges for any offense within or outside the Commonwealth
 32 and consent forms signed by the applicant and each adult who resides in the proposed
 33 facility allowing the Director of the Office for Children to obtain the results of the
 34 criminal history record search conducted in accordance with Section 30-3-
 35 2(b)(iii) request a search of the Central Criminal Records Exchange for files on each such
 36 person, and payment of an investigation fee in an amount equal to the fee established by
 37 the Virginia State Police for conducting a records search multiplied by the number of
 38 The applicant must pay any fee required in connection with such criminal history
 39 investigation for each persons making disclosures and providing consent forms; ~~When~~
 40 ~~the Central Criminal Records Exchange records indicate that any such person has a~~
 41 ~~criminal record in another state, or when the Director otherwise deems appropriate, the~~

~~Director may also require that the applicant or such adult who resides in the proposed facility consent to and pay for a national criminal background check;~~

- (vi) ~~A sworn S~~statements from the applicant and each adult who resides in the proposed facility ~~stating the names of all states in which he or she has lived in the 5 years prior to the date of the application and stating whether he or she has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth of Virginia and consent forms signed by the applicant and each adult who resides in the proposed facility giving consent to the Director of the Office for Children to obtain a copy of the results of a search of the central registry maintained pursuant to Va. Code § 63.2-1515, and any child abuse and neglect registry or equivalent registry maintained by any other state in which the applicant or any adult who resides in the proposed facility has resided in the previous five years for any founded complaint of child abuse or neglect;~~ ~~and the applicant shall also provide sworn~~ statements from a parent, guardian or legal custodian on behalf of all minors age 14 and older who reside in the proposed facility; ~~stating whether the minor has been the subject of a founded complaint of child abuse or neglect and consent forms signed the parent, guardian or legal custodian of all minors age 14 and older who reside in the proposed facility, giving~~ ~~consenting to the release of information to the Director of the Office for Children to obtain a copy of the results of a search of the central registry maintained pursuant to Va. Code § 63.2-1515 for any from child protective services investigating agencies reflecting whether any such individual has been the subject of a founded complaint of child abuse or neglect; the term "child protective services" shall have the meaning defined by Virginia law;~~
- (vii) Copies of the applicant's current certifications in first aid and cardiopulmonary resuscitation (CPR);
- (viii) —Proof of the applicant's compliance with the training requirements established in Section 30-3-4(b), which shall consist of records provided by the trainer or, if none are provided by the trainer, records maintained by the applicant;
- (ix) A description of the structure in which the home child care facility is proposed to be operated, including a description of all places and areas to which the children shall have access;
- (x) The proposed hours of operation;
- (xi) A statement of whether the applicant is 18 or more years old;
- (xii) A certificate from a physician, physician's designee, or Health Department official stating that acceptable screening methods (tuberculin skin test and/or tuberculosis risk and symptom screen and/or chest X-ray), singly or in combination as determined appropriate by the signatory, indicate that the applicant and all adult household residents are currently free from communicable tuberculosis. The screen must be performed every two years or more frequently as recommended by a physician or the local health department;
- (xiii) —A written policy describing what the applicant will do with children in care who are sick and a written emergency preparedness plan;
- (xiv) —Such other information, including, but not limited to, information concerning applicant's child care training and special skills, as the Director of the Office for Children may deem appropriate;

(xv) The application fee of \$14, which is in addition to any business or occupation license tax imposed by the County, and any other taxes or fees that may be required to engage in the business.

If the information the provider submits in accordance with subsections (iv), (v), (vi), and (xii) changes during the term of the permit, the provider must report the change to the Director of the Office for Children within 21 days and must promptly submit updated information and documents.

(b) Upon submission of an application to the Office for Children:

(i) The Director of the Office for Children shall inspect the proposed facility to determine whether it is in compliance with this Article and all applicable Virginia law that may affect the health and safety of the children who may attend or be present at the facility.

(ii) The Fire Code Official shall conduct a fire safety inspection of the proposed facility and advise the Director of the Office for Children of any noncompliance with this Article or any applicable Virginia law that may affect the health and safety of the children who may attend or be present at the facility.

(iii) If the applicant does not hold a permit under this Article at the time of the application, the Director of the Office for Children shall require that the fingerprints and personal descriptive information for the applicant and each adult who resides in the proposed facility be forwarded to the Central Criminal Records Exchange and request a search of the Central Criminal Records Exchange and a national criminal history search by the Federal Bureau of Investigation to determine whether the applicant or any persons who reside in the home have committed any crimes that constitute barrier offenses. ~~When the Central Criminal Records Exchange records indicate that any such person has a criminal record in another state, or when the Director otherwise deems appropriate, the Director may also require that the applicant or such adult who resides in the proposed facility consent to and pay for a national criminal background check.~~ Otherwise, the Director may request a criminal records search if ~~three~~five or more years have passed since the last records search on an individual, or upon receipt of new information submitted in accordance with this section, or as the Director deems appropriate in extenuating circumstances.

(iv) ~~If the applicant does not hold a permit under this Article at the time of the application, the~~The Director of the Office for Children shall request a copy of the results of a search of the central registry maintained pursuant to Va. Code § 63.2-1515 for the applicant and all individuals age 14 and older that reside in the proposed facility, and a copy of the results of a search of any child abuse and neglect registry or equivalent registry maintained by any other state in which the applicant or any adult who resides in the proposed facility has resided in the preceding five years for the applicant and all adults who reside in the proposed facility, for any founded complaint of child abuse or neglect. information from child protective services investigating agencies as deemed necessary to determine whether the applicant or any person age 14 and older who resides in the proposed facility has been the subject of a founded complaint of abuse or neglect. Otherwise, the Director may request a copy of the central registry maintained pursuant to Va. Code § 63.2-1515 if five or more years have passed since the last records search on an individual, or upon receipt of new information submitted in accordance with this section, or as the Director deems appropriate in extenuating circumstances.

- (c) The Director of the Office for Children shall issue a permit to an applicant if the Director determines from the information contained in the permit application, the facility inspections, and the records searches that (i) the applicant is an adult; (ii) neither the applicant nor any person who resides in the facility has committed any barrier offense; and (iii) both the applicant and the proposed facility are in compliance with this Article and all applicable Virginia laws that may affect the health and safety of the children who may attend or be present at the proposed facility. The permit shall be displayed in the home child care facility by the provider.
- (d) The Director of the Office for Children shall deny a permit to any applicant if the Director determines from the information contained in the permit application, the facility inspections, and the records searches that (i) the applicant is not an adult; (ii) the applicant or any person who resides in the facility has committed any barrier offense; or (iii) either the applicant or the proposed facility is not in compliance with this Article and all applicable Virginia laws that may affect the health and safety of the children who may attend or be present at the proposed facility. If the denial is based on the results of the searches of the records of the Central Criminal Records Exchange, the national criminal background check, or the Department of Social Services, the Director shall provide the applicant a copy of the information upon which the denial was based.

Section 30-3-4. - Provider Qualifications.

- (a) The provider must be an adult.
- (b) The provider must be trained in areas such as physical, intellectual, social, and emotional child development; behavior management and discipline techniques; health and safety in the home child care environment; art and music activities for children; nutrition; child abuse detection and prevention; recognition and prevention of the spread of communicable diseases; emergency preparedness; and business practices of family child care. ~~From January 1, 2014, through December 31, 2014, any person granted an initial or renewal permit must attend 14 hours of training by an approved trainer during the term of the permit. Any applicant granted an initial or renewal permit at any time on or after January 1, 2015, All providers~~ must attend 16 hours of training by an approved trainer during the term of the permit. The Director of the Office for Children shall maintain a list of entities that are approved as trainers. Upon request from the provider, accompanied by information about the entity and/or the course, the Director of the Office for Children may approve additional trainers or a specific course.
- (c) The provider must be currently certified in first aid and cardiopulmonary resuscitation (CPR).
- (d) In addition to the training required in subsection (b) above, and except as set forth in Section 30-3-6(o) and (p), a provider who administers prescription medications or non-prescription medications to children in care must satisfactorily complete a training program for this purpose developed or approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist. Providers required to complete the training program shall be retrained at three-year intervals.

2. All providers that are permitted under Article 3 of Chapter 30 of the Fairfax County Code on the effective date of this ordinance, and all adults who reside in the provider's

1 facility, must submit to fingerprinting and provide the personal descriptive information
2 required in Fairfax County Code Section 30-3-2(a) and the sworn statements and consent
3 forms required in Fairfax County Code Section 30-3-2(a)(v), as well as any applicable fee
4 required thereunder, to the Office for Children by September 30, 2018. The failure to
5 comply with this requirement will result in a suspension of the provider's permit. Upon
6 receipt of the sworn statements and forms, the Director will request the criminal history
7 search set forth in Section 30-3-2(b)(iii).

8 3. That the provisions of this ordinance are severable, and if any provision of this
9 ordinance or any application thereof is held invalid, that invalidity shall not affect the other
10 provisions or applications of this ordinance that can be given effect without the invalid
11 provision or application.

12
13 4. That this Ordinance will become effective on July 1, 2018.
14
15

16 GIVEN under my hand this _____ day of _____, 2018
17
18
19
20

Clerk to the Board of Supervisors

Board Agenda Item
May 15, 2018

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing to Lease County-Owned Property at 1500 Shenandoah Road to A Child's Place, Inc. (Mount Vernon District)

ISSUE:

Authorization to advertise a public hearing to lease County-owned property to A Child's Place, Inc. for the continuation of child care services at Hollin Hall located at 1500 Shenandoah Road.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to publish the advertisement of a public hearing to be held on June 19, 2018 at 4:00 p.m.

TIMING:

Board action is requested on May 15, 2018 to provide sufficient time to advertise the proposed public hearing on June 19, 2018 at 4:00 p.m.

BACKGROUND:

The Board of Supervisors is the owner of Hollin Hall, located at 1500 Shenandoah Road, on a County-owned parcel identified as Tax Map Number 1022 01 0002A. One-third of the building, comprising approximately 9,500 square feet, is occupied by a private child care center doing business as A Child's Place, Inc. ("A Child's Place"), a for-profit organization that has occupied the premises since 1989. The remaining two-thirds of the facility is utilized by the County's Hollin Hall Senior Center.

A Child's Place oversees a preschool curriculum for 90 children aged two to five years old and accommodates 65 to 75 of the overflow students from the School Age Child Care programs located at Stratford Landing, Ft Hunt Elementary and Waynewood Elementary Schools. During the summer, the facility administers a preschool curriculum for approximately 90 students and a summer activity camp for 80 children. These programs generated jobs for 30 full and part-time employees who live locally in the area and whose ranks include students from West Potomac and Mount Vernon High Schools and patrons of the adjacent Senior Center.

The lease for A Child's Place is about to expire and the day care operator is seeking a new lease to continue to provide child care services at this site. The term of the new lease will be five (5) years, with one (1) option to extend the lease for an additional five (5) years if both parties agree. The annual rent shall be increased by an additional 10 percent to \$220,000 per year for the first year, with a 2.5 percent annual increase thereafter, to bring the rent in line with other market rents for similar facilities in the area.

Board Agenda Item
May 15, 2018

Virginia Code Ann. § 15.2-1800 requires a locality to hold a public hearing before it may lease its real property. Staff recommends that the Board authorize the staff to advertise a public hearing to lease County-owned property at Hollin Hall to A Child's Place.

FISCAL IMPACT:

The proposed lease will generate approximately \$220,000 in revenue the first year with a 2.5 percent increase in each subsequent year. All revenue will be deposited in the general fund.

ENCLOSED DOCUMENTS:

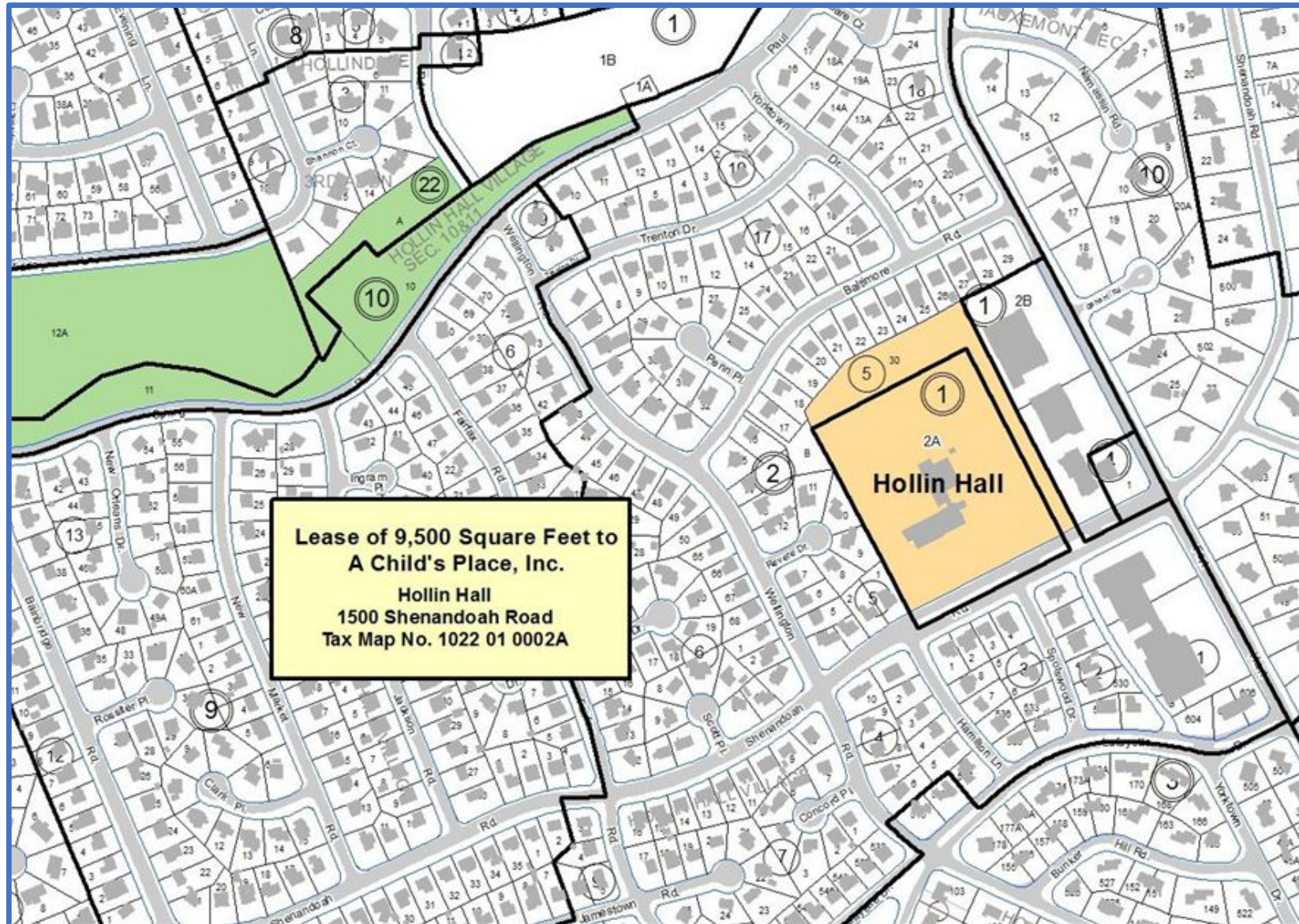
Attachment 1 – Location Map
Attachment 2 – Draft Lease Agreement

STAFF:

David J. Molchany, Deputy County Executive
José A. Comayagua, Jr., Director, Facilities Management Department

ASSIGNED COUNSEL:

Alan M. Weiss, Assistant County Attorney



ATTACHMENT 1

COUNTY OF FAIRFAX

REVENUE LEASE



A CHILD'S PLACE
HOLLIN HALL FACILITY
1500 Shenandoah Road
Alexandria, Virginia 22308

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COUNTY OF FAIRFAX
REVENUE AGREEMENT

THIS LEASE AGREEMENT ("Lease"), made as of the 1st day July, 2018, by and between **THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA**, a body corporate and politic, hereinafter referred to as the "Board" (whose address is Board of Supervisors of Fairfax County, Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035), and **A CHILD'S PLACE, INC.**, hereinafter referred to as the "Tenant" (whose address is 5252 Lyngate Court, Suite 201, Burke, Virginia 22015), witness:

WHEREAS, the Board and Tenant entered into a lease, dated as of July 1, 2008, pursuant to which Tenant leased from the Board the Premises as described in Section 1 (the "Initial Lease");

WHEREAS, the Initial Lease, as previously extended pursuant to the terms of the Initial Lease, will expire on June 30, 2018;

WHEREAS, both the Board and Tenant desire to enter into this Lease to permit Tenant to continue to occupy the Premises on the terms and conditions and for good and valuable consideration described in this Lease.

NOW, THEREFORE, in consideration of the mutual agreements hereinafter set forth, the parties hereto mutually agree as follows:

SECTION 1 PREMISES GRANT

A. The Board does hereby Lease unto Tenant and Tenant does hereby Lease from the Board a portion of the building ("Building") at 1500 Shenandoah Road Alexandria, Virginia 22308, known as the Hollin Hall Facility, located in Fairfax County, Virginia. The leased premises hereinafter referred to as the "Premises" consist of approximately 9,375 rentable square feet of space in the Building, for use hereinafter described, the Premises separately outlined and shown on **Exhibit A**, attached hereto and hereby made a part hereof.

B. It is agreed that, because Tenant has been occupying the Premises pursuant to the Initial Lease, Tenant acknowledges that it has had full opportunity to examine the Building, and the Premises, and is fully informed, independently of the Board, as to the character, construction and structure of the Building. It is agreed that by occupying the Premises, Tenant formally accepts the same "as is" and acknowledges that the Board has complied with all requirements imposed upon it under the terms of this Lease. This Lease does not grant any right to light or air over or about the Premises or Building.

C. Tenant agrees to confine its use of the Premises to the areas specifically described in this Lease and any common areas necessary for ingress and egress, or otherwise necessary for the use thereof, which is specifically limited to hallways, stairways, doorways, and restrooms. Tenant agrees not to use, occupy, or obstruct any room or any area of the Building not specifically leased to the Tenant by this Lease.

SECTION 2 TERM

This Lease shall be for a term of five years ("First Term") commencing on July 1, 2018 ("Commencement Date"), the date of expiration of the Initial Lease, and ending at midnight on June 30, 2028; provided, however that Tenant and the Board agree that this Lease shall be automatically renewed for an additional term of five years, unless notice to the contrary is given by either party 60 days prior to the end of the First Term, and in this event, the Lease shall terminate at the end of the First Term. If the Lease is automatically renewed then all covenants, conditions and terms will remain the same, including that the basic rental terms shall be subject to escalation as noted in Section 4 in this Lease.

SECTION 3 RENT

A. Tenant shall pay to the Board, in legal tender of the United States of America without setoff or deduction whatsoever as basic rent ("Basic Rent") for said Premises the sum of Two Hundred and Twenty Thousand Dollars payable in advance on the first day of each month in the amount of Eighteen Thousand Three Hundred Thirty-Three and 33/100 Dollars, as adjusted in accordance with Section 4. All Basic Rent payments shall be made by check to Fairfax County, paid to the Board or its duly authorized agent, at the office of Facilities Management Department, 12000 Government Center Parkway, Suite 424, Fairfax, VA 22035.

B. In addition to the Basic Rent, Tenant shall pay all other costs as may be required under the terms of this Lease ("Additional Rent"). Such Additional Rent will include the costs the Board may incur if the Board is requested to provide services in addition to those routinely provided by the Board at the Building. Such fee for services will be based on an hourly rate as determined by the Board. Tenant shall pay any Additional Rent within 30 days after receiving a bill therefor.

C. If Tenant shall fail timely to pay any Basic Rent as aforesaid, although there shall have been no legal or formal demand made, or if Tenant shall fail timely to pay any Additional Rent within ten days after notice that such Additional Rent is delinquent, or shall break or violate any of the conditions or promises contained in this Lease, then, and in either of said events, this Lease shall, at the sole option of the Board, terminate upon written notice of termination by the Board and such failure or violation shall operate as a Notice to Quit, other Notice to Quit being hereby expressly waived, and the Board may proceed to recover possession of said Premises under and by virtue of the provisions of the law of the Commonwealth of Virginia. In the event of such re-entry, by the Board, Tenant shall nevertheless remain in all event liable and answerable for the full rental (including Additional Rent) to the date of retaking or re-entry, and the Tenant shall also be, and remain, answerable in damages for the deficiency in rental payments which the Board may thereby sustain in respect of the balance of the term.

D. Any Basic Rent or Additional Rent not paid timely by Tenant shall be subject, at the Board's election, to a late charge of ten percent of any installment of such Basic Rent or Additional Rent.

SECTION 4 RENTAL ADJUSTMENT

On the date one (1) year following the Commencement Date, and thereafter at the end of each succeeding period of one (1) year throughout the term of this Lease, annual rent (and the monthly installments thereof) shall be increased according to the schedule attached as **Exhibit B**.

SECTION 5 SECURITY DEPOSIT

A. Tenant has deposited with the Board, pursuant to the Initial Lease, the sum of \$11,450.00 as security for the faithful performance and observance by Tenant of the terms, provisions and conditions of this Lease. It is agreed that in the event Tenant defaults in respect of any of the terms, provisions or conditions of this Lease, including, but not limited to, the payment of Basic Rent and Additional Rent, the Board may use, apply or retain the whole or any part of the security deposited to the extent the Board determines appropriate for the payment of any Basic Rent or Additional Rent or any other sums as to which Tenant is in default or for any such which the Board may expend by reason of Tenant's default under this Lease, including any damages or deficiency in the re-letting of the Premises, whether such damage or deficiency occurred before or after summary proceedings or other re-entry by the Board without waiving any other remedies the Board may have.

B. If Tenant shall fully comply with all of the terms, provisions, covenants and conditions of this Lease, the security deposit shall be returned to Tenant within 60 days after the termination of this Lease, after delivery of the entire possession of the Premises to the Board. The security deposit may not be used by the Tenant to apply toward Any Rent or Additional Rent at any time.

C. Tenant further covenants that it will not assign or encumber or attempt to assign or encumber the monies deposited herein as security and that neither the Board nor its successors or assigns shall be bound by any such assignment or encumbrance.

SECTION 6 USE

Tenant represents covenants and warrants that the Premises will be used lawfully and agrees to abide by all the laws and regulations of all lawful authorities for the following purposes and for no other purposes: childcare center, nursery school, summer camp and Before and After School Programs. Tenant shall at all times be required to be in compliance with all governmental laws, rules and regulations applicable to Tenant's use of the Premises for child care purposes.

SECTION 7 DEFAULT

Tenant shall be considered in default of this Lease upon happening of any of the following:

- A. A default in timely payment of any installment of Basic Rent from the date due;
- B. A default of ten days in payment of any Additional Rent following notice to Tenant that such Additional Rent is delinquent.
- C. It is hereby agreed that all personal property of the Premises shall be liable for rent distraint, except as to the unpaid balance of any conditional sales contract, and the Tenant hereby waives its homestead exception and the benefit of other laws exempting personal property from levy and sale for arrears rent.
- D. A breach of any term, covenant or condition of this Lease other than payment of Additional Rent continuing for more than ten days after written notice is received by the Tenant.
- E. Death, dissolution or commencement of any proceeding to dissolve Tenant, termination of existence, insolvency, business failure, appointment of the receiver or trustee of Tenant's property, assignment for the benefit of creditors of all or any part of the property of Tenant, or commencement of any proceedings under any bankruptcy or insolvency law by or against Tenant.
- F. The abandonment of the Premises by the Tenant or the discontinuance of the use permitted hereunder.
- G. In the event of default by Tenant, the Board may, at its option, terminate this Lease, and re-enter the Premises and again have, possess, and enjoy the same as and of its former estate, but no such re-entry shall be deemed an acceptance of the surrender of this Lease. In the event of re-entry for default, the Board may, at its option, relet the Premises or any part thereof, as agent for Tenant, for any sum which it may deem reasonable, but the Board shall not be under any obligation to relet the Premises for any purpose other than that specified in this Lease. In event of termination for default, Tenant shall remain liable for all its obligations under the Lease, and for such losses and damages as the Board may sustain as a result of Tenant's breach thereof, which together with reasonable attorneys' fees, shall be considered payable as rent hereunder.
- H. If the Tenant or its representatives shall neglect or fail to perform or observe any covenant herein contained on the Tenant's part to be kept or performed, or shall become a bankrupt or insolvent, or suffer any levy against his property on the said Premises or shall make an assignment for the benefit of creditors, then and in any such case, the Board, its successors or assigns, may declare the term of this Lease at end immediately, without notice or demand, enter into and upon the Premises, or any part thereof, repossess the same, expel the Tenant and those claiming under him (them) and remove his (their) effects forcibly, if necessary, without being deemed guilty of any manner of trespass, but without prejudice to the lawful remedies which the Board, its successors or assigns, may have for arrears of rent and the breach or covenants of this Lease.

SECTION 8 PARKING

Tenant agrees that parking is shared with other occupants of the Facility, and that Tenant's share of such parking is undefined. Tenant agrees to cooperate fully with Board in keeping Tenant's agents, servants, guests or invitees from using any parking spaces at this facility except as expressly permitted by the Board. Any vehicles parked at the site shall be at the Tenant's own risk.

SECTION 9 MODIFICATIONS AND REPAIRS

A. Tenant agrees to accept the Premises "as is" and to pay for any changes and repairs as may be necessary to make the Premises acceptable for the approved use. This shall not be construed to include major modification required to bring the building in compliance with Fairfax County or Commonwealth of Virginia Code requirements, which shall be the responsibility of the Board at its election.

B. The Board must approve in advance all improvements including but not limited to structural, interior and exterior modifications or additions. Approval(s) shall be given in writing. Tenant will submit plans and specifications for approval, which approval may be granted or withheld in the Board's discretion.

C. Tenant shall not be due any refund or payment of any kind from the Board for any modifications or improvements to the Premises made by or for the Tenant and all such improvements shall be and remain the sole property of the Board at the termination of the Lease.

D. Tenant shall not place any lettering, signs or objects on doors, windows or outside walls of Premises without the permission of the Board. No signs shall be visible through or on windows.

E. Tenant shall not, without the prior written approval of the Board, paint or paper or decorate or drive nails in or otherwise deface or injure the walls or ceiling or woodwork or floors of said Premises, install any electrically or mechanically operated equipment (including air conditioners) in said Premises. At the termination of the Lease, or any extension or renewal thereof, all such improvements shall be and remain the property of the Board. Tenant expressly covenants and agrees that the Board may, at its sole and absolute discretion, require such improvements to be removed and the Premises restored to their original condition, with such removal and restoration to be at Tenant's expense.

F. Tenant shall be responsible for repairs or maintenance necessitated by the negligence of Tenant, its agents, servants, guests or invitees; and all damage to the Premises caused by the Tenant, its agents, servants, guests or invitees, shall be repaired promptly by, or at the expense of the Tenant, at the option of the Board.

G. Any renovation or improvements made or obtained by Tenant are made at Tenant's sole risk and expense, and the Board shall not be held responsible for any claims for injury or loss of property due to renovation or improvements made by or for Tenant.

H. In use of said structural alterations, changes or improvements, Tenant may be required upon the termination of the Lease or any extension or renewal thereof to restore the Premises to their original condition. All movable partitions, trade fixtures, floor covering, or equipment installed in the Premises at Tenant's expense shall remain the property of the Tenant, and may be removed by Tenant. Tenant shall, however, repair any damage caused by such removal. In addition, Tenant will restore or repair any damage to the Premises which affects accessibility by the handicapped as defined in the American Disabilities Act (ADA).

I. As determined by the Board, any increased facility operating costs resulting from the modifications will be added to rental due hereunder and Tenant shall pay such costs as Additional Rent.

SECTION 10 SERVICES PROVIDED BY BOARD

In consideration of the rental herein reserved and of the foregoing covenants and agreements, the Board covenants and agrees:

A. To provide electric and heating services to the Premises, water and sewer services to the Building of which the Premises are a part; however, Board shall not be liable for failure to furnish any of the foregoing when such failure is caused by conditions beyond the control of the Board or by accidents, repairs or strikes nor shall such failure constitute an eviction; nor shall Board be liable under any circumstances for loss of or injury to property, however occurring, through or in connection with or incidental to the furnishing of any of the foregoing. These services shall be provided as follows:

(1) Electricity for normal business usage. Tenant's use of electric energy in the Premises shall not at any time exceed their pro-rata share of capacity of any of the electrical conductors and equipment in or otherwise serving the Premises, or based on the square footage of the Premises' area. To insure that such capacity is not exceeded and to avert possible adverse effect upon the Building's electric service, Tenant shall not, without Board's prior written consent in each instance (which shall may be granted or withheld in the Board's discretion), connect any additional fixtures, appliances or equipment (other than lamps, typewriters and similar small office machines) to the Building's electric distribution system or make any alteration or addition to the electric system of the Premises existing on the commencement date of this Lease.

(2) Heat to Premises, daily from 7:00 a.m. to 6:00 p.m., with nighttime setback, Monday through Friday, Fairfax County legal holidays excepted, during those portions of each year that heating may be necessary, so as to provide a temperature condition required for the comfortable occupancy of the Premises under normal business condition.

(3) Cold water for drinking, lavatory and toilet purposes, drawn through existing fixtures or fixtures installed by Tenant with Board's written consent, and hot water for lavatory purposes from the regular Building supply at reasonable temperatures.

(4) Custodial services shall be provided in a manner as determined by the Board for similar Buildings owned by Fairfax County.

B. To provide maintenance to the Premises during the term of this Lease or any extension thereof, in such manner as determined by the Board for heat, plumbing, electrical,

sewer and water systems, snow and ice removal, sanding or salting of the driveway, walks and parking areas, grass cutting, and repair to the doors, windows and roof, provided that such damage, defect or repair is not caused by negligence of the Tenant (including its employees, business invitees, customers, and clients).

C. As determined by the Board, any increased facility operating costs resulting from Tenant's operations exceeding normal business use will be added to the rental due hereunder and Tenant shall pay such costs as Additional Rent.

D. The Board shall, in no event, be liable for consequential damages, for any losses arising from or related to the Lease or the tenancy

SECTION 11 LIABILITY AND INSURANCE

A. LIABILITY FOR DAMAGE TO PERSONAL PROPERTY AND PERSON: All personal property of the Tenant (including its employees, business invitees, customers, clients, etc.), agents, family members, guests or trespassers, in and on said Premises, shall be and remain at the sole risk of the Tenant, and Board shall not be liable to them for any damage to, or loss of such personal property arising from any act of any other persons nor from the leaking of the roof, or from the bursting, leaking or overflowing of water, sewer or steam pipes, or from heating or plumbing fixtures, or from electrical wires or fixtures, or from air-conditioning failure. The Board shall not be liable for any personal injury to Tenant (including its employees, business invitees, customers, and clients), arising from the use, occupancy and condition of the Premises.

B. LIABILITY INSURANCE: During the term of this Lease, Tenant will maintain a policy of commercial general liability insurance insuring the Board and Tenant against liability arising out of the ownership, use, occupancy or maintenance of the Premises. The insurance will be for not less than \$1,000,000 for bodily or personal injury to or death per occurrence. The insurance shall also insure the Board and Tenant against liability for property damage of at least \$1,000,000 per occurrence. The limits of the insurance will not limit the liability of Tenant. If the Tenant fails to maintain the required insurance the Board may, but does not have to, maintain the insurance at Tenant's expense. The policy shall expressly provide that it is not subject to invalidation of the Board's interest by reason of any act or omission on the part of Tenant.

C. TENANT'S INSURANCE POLICIES: Insurance carried by Tenant will be with companies acceptable to the Board. The Tenant will deliver to the Board certificate evidencing the existence and amounts of the insurance. No policy shall be cancelable for subject to reduction of coverage or other modification except after 60 days prior written notice to the Board. Tenant shall, at least 60 days prior to the expiration of the policies, furnish Board with renewals of "binders" for the policies, or Board may order the required insurance and charge the cost of Tenant.

D. Tenant will not do anything or permit anything to be done or any hazardous condition to exist ("Increased Risk") which shall invalidate or cause the cancellation of the insurance policies carried by Tenant. If Tenant does or permits any Increased Risk which causes an increase in the cost of insurance policies then Tenant shall reimburse Board for additional premiums attributable to any act, omission or operation of Tenant causing the increase in the

premiums. Payment of additional premiums will not excuse Tenant from terminating or removing the Increased Risk unless Board agrees in writing. Absent agreement, Tenant shall promptly terminate or remove the Increased Risk.

E. The Board, its officers, employees and volunteers, shall be named as an "additional insured" on the General Liability policy and it shall be stated on the Insurance Certificate with the provision that this coverage "is primary to all other coverage the Board may possess."

F. If an "ACORD" Insurance Certificate form is used by the Contractor's insurance agent, the words, "endeavor to" and ". . . but failure to mail such notice shall impose no obligation or liability of any kind upon the company" in the "Cancellation" paragraph of the form shall be deleted or crossed out.

G. INDEMNIFICATION: The Tenant hereby agrees to indemnify and hold harmless the Board of Supervisors, Fairfax County, Virginia, its officers, employees, volunteers and agents, from any and all claims for bodily injuries and personal injuries, death or property damage, including cost or investigation, all expenses of litigation, including reasonable attorney fees and the cost of appeals arising out of any claims or suits because of the Tenant, including his agents, servants, employees, volunteers, business invitees, customers, guests or trespassers arising from the use, occupancy and condition of the Premises.

SECTION 12 RESPONSIBILITIES OF TENANT

Tenant covenants and agrees:

A. Not to injure or deface or suffer to be injured or defaced the Premises or any part hereof and to promptly replace or repair any damages to said Premises, other than damage to structural portions not caused by negligence of the Tenant(including its employees, business invitees, Tenants, customers, clients).

B. To keep said Premises in good order and condition at all times and to give the Board prompt notice of any defects in, or damage to, the structure, equipment, or fixtures of said Premises.

C. Not to strip, overload, damage or deface the Premises or hallways, stairways, or other approaches thereto, of said Building, or the fixtures therein or used therewith, nor to suffer or permit any waste to, in or upon the Premises or any part of said Building.

D. Not to keep gasoline or other flammable material or any other explosive in or near the Premises or in or near the Building of which they are a part which will increase the rate of fire insurance on the Building beyond the ordinary risk established for the types of operations above provided to be conducted therein or in violation of Fairfax County regulations and any such increase in the insurance rate due to the above, or Tenant's special operations carried on within the Premises, shall be borne by Tenant. Tenant shall not by any act or thing placed upon the Premises or in or about the Building of which they are a part which makes void or voidable any insurance on the said Premises or Building; and Tenant expressly agrees to conform to all rules and regulations from time to time established by the Commonwealth of Virginia Insurance Rating Bureau, or any other authority having jurisdiction.

E. To take appropriate measures to conserve and efficiently use energy and other resources (i.e., heat, water, and utilities).

F. Not to use or allow to be used the Premises or any part thereof for any illegal, unlawful, or improper purpose, or for any activity which will be noisy, boisterous or in any other manner constitute a nuisance, to adjacent properties or the adjacent neighborhood or which may be likely to endanger or affect any insurance on the said Premises.

G. All covenants of Tenant relating to the use of, or misuse of, the Premises and of the property of which they are a part or anything therein shall be construed to include use or misuse thereof by Tenant's agents, employees, and invitees.

H. To supervise and conduct its activities in such a manner as to insure no disruption to the pleasurable and quiet enjoyment and possession of the other occupants of the Building.

I. To comply with all rules and regulations, conditions of this Lease; and any violation of said rules, regulations and conditions shall be a violation of this Lease.

J. Not to obstruct or use the sidewalks, passages, and staircases and other parts of the Building which are not occupied by the Tenant for any other purpose than ingress and egress.

SECTION 13 DAMAGE BY FIRE OR CASUALTY

A. If the Premises or a material portion thereof shall be destroyed or damaged from whatever cause, so as to render them unfit for the purpose for which leased, and if it is not reasonably possible to repair such destruction or damage within 90 days, as determined by the Board, either party shall be entitled to terminate the Lease by written notice within fifteen (15) days after such destruction.

B. If the Premises can reasonably be repaired within 90 days from the date of damage, as determined by the Board, and the Board elects to repair such damage, then the Board will proceed to repair such Premises to the extent that monies are available from the Board's fire and casualty insurance, provided that if the extent of damage is such as to cause the cost of repairs to be more than the monies available under such insurance, or if the Board determines that it is uneconomical, impractical or unfeasible to make such repairs considering the extent of damage and the cost of repairs, the Board may, at its option, terminate the Lease on ten days written notice.

C. In the event of any damage or destruction to which the above provisions are applicable, rent shall be proportionally abated for the period from the date of such damage or destruction until the repair of the Premises or the termination of this Lease, as the case may be, to the extent which Tenant is deprived of normal occupancy and use of the Premises.

SECTION 14 SUBJECT TO ALL LAWS

This Lease shall be governed by the laws (including without limitation those relating to nondiscrimination) of the United States; the Commonwealth of Virginia, Fairfax County, and appropriate Board Regulations; and Tenant agrees to abide by these provisions.

SECTION 15 ACCESS

Tenant shall allow the Board, its employees or agents to have access to the Premises at all reasonable times for the purpose of inspection, or in the event of fire or other property damage, or at any other time for the purpose of performing any work required to be performed by the Board, or which the Board considers necessary or desirable, or for any other purpose for the reasonable protection of said Premises or of the Building of which the Premises are a part.

SECTION 16 WAIVER

A. No waiver by the Board of any breach of any covenant, condition, or agreement herein contained shall operate as a waiver of the covenant, condition, or agreement itself or of any subsequent breach thereof.

B. To the extent permitted by law, the Board shall not be liable for and the Tenant releases the Board and Board's agents, employees, contractors, volunteers and servants from, and waives all claims for damage to person or property sustained by the Tenant or any occupant of the Building or Premises resulting from the Building or Premises or any part of either or any equipment or appurtenance becoming out of repair, or resulting from any accident in or about the Building, or resulting directly or indirectly from any act or neglect of any Tenant or occupant of the Building or of any other person, including the Board, its agents or employees.

SECTION 17 NOTICE OF DEFECTS

Tenant shall give the Board prompt written notice of accidents or defects on or about or of damages to the Premises or the Building of which the Premises are a part.

SECTION 18 QUIET POSSESSION

The Board covenants and agrees that, if Tenant shall perform all the covenants, conditions, and agreements herein contained to be performed on Tenant's part, Tenant shall at all times during the term of this Lease and any renewal or extension thereof have the peaceable and quiet enjoyment and possession of the Premises.

SECTION 19 COMPLIANCE WITH LAWS

It is understood, agreed and covenanted by and between the parties hereto that Tenant at its expense, will promptly comply with, observe, and perform all of the requirements of all of the statutes, ordinances, policies, rules, orders, procedures, and regulations now in effect or hereinafter promulgated whether required by the Federal Government, Commonwealth of Virginia, Fairfax County Government, Fairfax County School Board, Fairfax County Fire and Rescue Services Office, or other governmental agencies located within Fairfax County. If any act or failure to act on Tenant's part results in a violation of any of the above referred to statutes, ordinances, rules, orders, and regulations, upon due notice, Tenant will act promptly to comply therewith. Any violation of any of the above referred to statutes, ordinances, rules order and regulations will be deemed a default under Section 7 of this Lease.

SECTION 20 SURRENDER OF POSSESSION

Tenant covenants, at the expiration or other termination of this Lease, to remove all goods and effects from the Premises not the property of the Board, and to yield up to the Board the Premises and all keys and locks and other fixtures connected therewith (except trade fixtures and other fixtures belonging to Tenant), in good repair, order and condition in all respects, reasonable wear and use thereof and damage by fire or other casualty and damage from any risk with respect to which Tenant is not herein expressly made liable, excepted.

SECTION 21 BENEFIT AND BURDEN

The provisions of this Lease shall be binding upon, and shall inure to the benefit of the parties hereto and each of their respective representatives.

SECTION 22 ASSIGNMENT

The Tenant shall not transfer nor assign this Lease, nor let or sublet the whole or any part of the said Premises or permit any other person, firm or corporation to occupy or use any part of said Premises without the written consent of the Board first had and obtained.

SECTION 23 MAILING NOTICES

Any notice which the Board may desire or be required to give the Tenant shall be deemed sufficiently given or rendered, if in writing, delivered to the Tenant by certified or registered mail, return receipt requested, addressed to the Tenant at A Child's Place, Inc. c/o Ms. Julie Lee, President, 5252 Lyngate Court, Suite 201, Burke, Virginia 22015; and Jason Smolen. Trustee, Fifth Floor, 8045 Leesburg Pike, Vienna, Virginia 22182, or at the Premises. Any notice which the Tenant may desire or be required to give the Board shall be deemed sufficiently given or rendered, if in writing, delivered to the Board by certified or registered mail, return receipt requested, addressed to Facilities Management Department at Fairfax County Government

Center, 12000 Government Center, Suite 424, Fairfax, Virginia 22035, Attention: Leasing Department, or other such places as Tenant or Board may from time to time designate in writing. Any notice given hereunder shall be deemed delivered when the return receipt is signed or refusal to accept the notice is noted thereon.

SECTION 24 LIENS

If any mechanic's lien or liens shall be filed against the Premises for work done or materials furnished to Tenant or its sublessees, Tenant, within thirty (30) days after notice thereof, at its expense will cause such lien or liens to be discharged by filing or causing to be filed the bond or bonds for that purpose required by law or provide other suitable security.

SECTION 25 RULES AND REGULATIONS

Tenant and its agents and employees shall abide by and observe such reasonable rules and/or regulations as may be promulgated from time to time by the Board for the operation and maintenance of the Building, provided that the same are in conformity with common practice and usage and are not inconsistent with the provisions of this Lease and a copy thereof is sent to Tenant. Nothing contained in this Lease shall be construed to impose upon the Board any duty or obligation to enforce such rules and/or regulations, or the terms, conditions or covenants contained in any other Lease as against any other Tenant, and the Board shall not be liable to Tenant as against any other Tenant, and the Board shall not be liable to Tenant for violation of the same by any other Tenant, its employees, agent, business invitees, Tenants, customers, clients, family members or guests.

SECTION 26 AUTHORITY TO CONTRACT

The Board covenants that it has a right to make this Lease for the term aforesaid, and that if Tenant shall pay the rental and perform all of the covenants, terms and conditions of Lease hereby created, freely, peaceably and quietly occupy and enjoy the full possession of the Premises without molestation or hindrance by Board or any party claiming through or under Board.

SECTION 27 NO PARTNERSHIP

Nothing contained in this Lease shall be deemed or construed to create a partnership or joint venture of or between Board and Tenant, or to create any other relationship between the parties hereto other than that of Board and Tenant.

SECTION 28 APPLICABLE LAW

The Board and Tenant agree to be bound by the Laws of the Commonwealth of Virginia in any proceeding, whether in law or in equity, with respect to any dispute arising under this Lease.

SECTION 29 COMMON AREAS

The Board reserves the right to alter the common areas, as deemed necessary, in the sole discretion of the Board, so long as such alteration does not interfere with the Tenant's reasonable use of the space for the purposes contemplated in contracting for the space. This includes but is not limited to the parking area, grounds, common hallways, walkways, etc. and such right shall not be infringed by Tenant.

SECTION 30 TIME OF ESSENCE

Time is of the essence with respect to the performance of each of the covenants and agreements under this Lease.

SECTION 31 AGREEMENT AND COVENANT

Every term, condition, agreement or provision contained in this Lease that imposes any obligation on Tenant or the Board shall be deemed to be also a covenant by Tenant or the Board.

SECTION 32 SEVERABILITY

If any clause or provision of this Lease is illegal, invalid or unenforceable under present or future laws in effect during the term of this Lease, it is the intention of the parties that the remainder of this Lease shall not be affected thereby. It is also the intention of the parties to this Lease that in lieu of each clause or provision of this Lease that is illegal, invalid or unenforceable, there be added as a part of this Lease a clause or provision as similar in terms to such illegal, invalid or unenforceable clause or provision as may be possible and be legal, valid and enforceable.

SECTION 33 HOLDING OVER

If Tenant shall not immediately surrender the Leased Premises on the date of expiration of the term hereof, and subject only to the Board's approval, Tenant shall, by virtue of the provisions hereof become a Tenant on a month to month basis. Tenant, as a monthly Tenant, shall be subject to all of the conditions and covenants of this Lease as though the same had

originally been a monthly tenancy. Tenant shall give to Landlord at least 30 days written notice of an intention to quit the Leased Premises, and Tenant shall be entitled to 30 days written notice from the Landlord to quit the Leased Premises.

SECTION 34 APPROPRIATIONS

Any and all of the Board's financial obligations under this Lease are subject to appropriations by the Fairfax County Board of Supervisors to satisfy payment of such obligations.

SECTION 35 ENTIRE AGREEMENT

This Lease, together with any EXHIBITS attached hereto and referenced herein, contains the entire and only agreement between the parties. No oral statements or representations or prior written matter not contained or referred to in this Lease shall have any force or effect. This Lease shall not be modified in any way except by a writing executed by both parties hereto. No waiver of any provisions of this Lease shall be deemed to have been made, unless it be in writing and signed by both parties hereto.

SIGNATURE PAGE

IN WITNESS WHEREOF the parties hereto have affixed their signatures all as of the date first above written.

WITNESS:

LANDLORD:

**BOARD OF SUPERVISORS OF FAIRFAX
COUNTY, VIRGINIA**

By:
Its:

WITNESS:

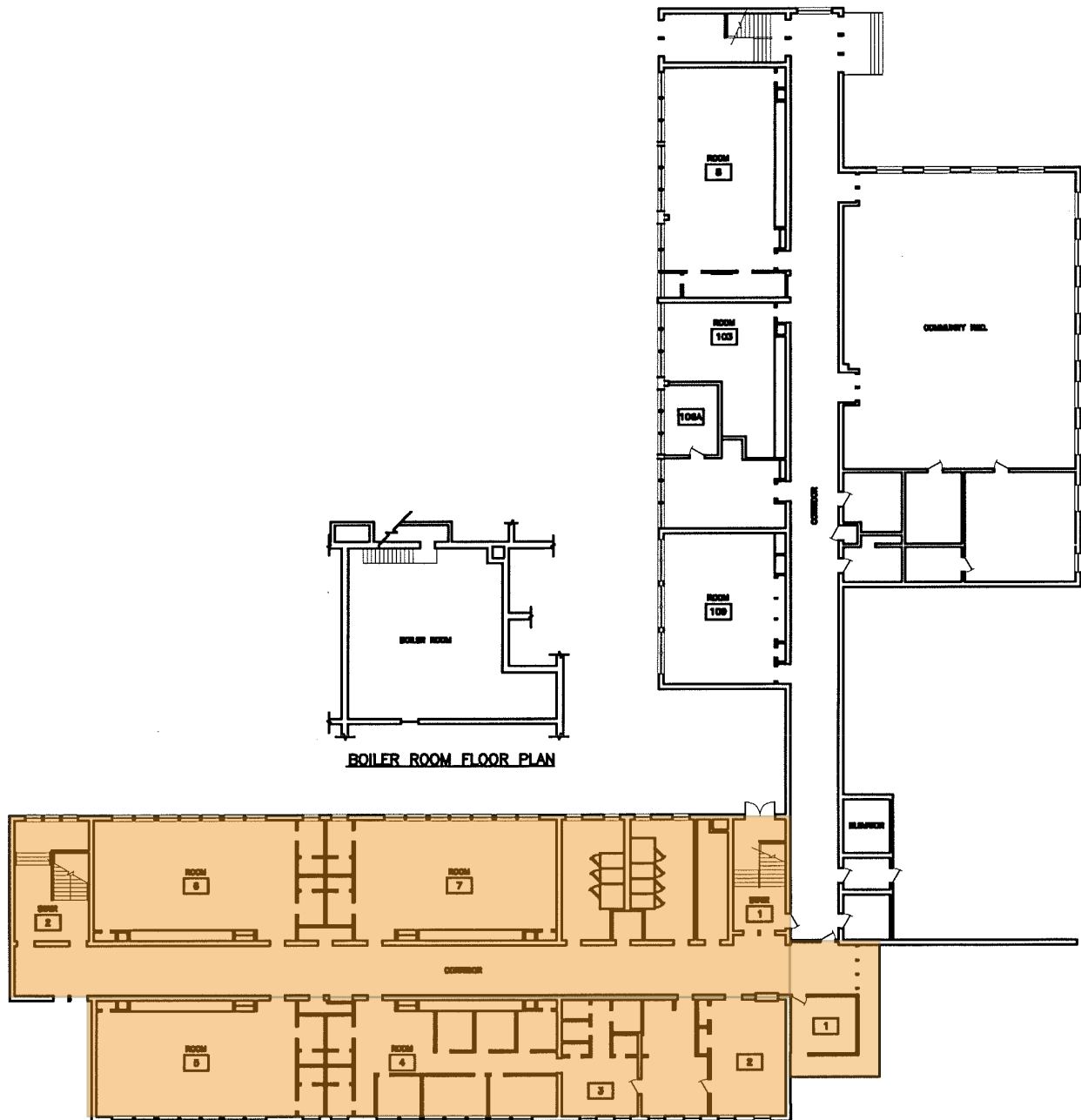
TENANT:

A CHILD'S PLACE, INC.

By:
Its:

EXHIBIT A

FAIRFAX COUNTY
ASSET #HSA13
HOLLIN HALL CENTER
FIRST FLOOR



= Leased Area for A Child's Place

FAIRFAX COUNTY
ASSET #HSA13
HOLLIN HALL CENTER
SECOND FLOOR

Scale: 1/32"=1'-0"

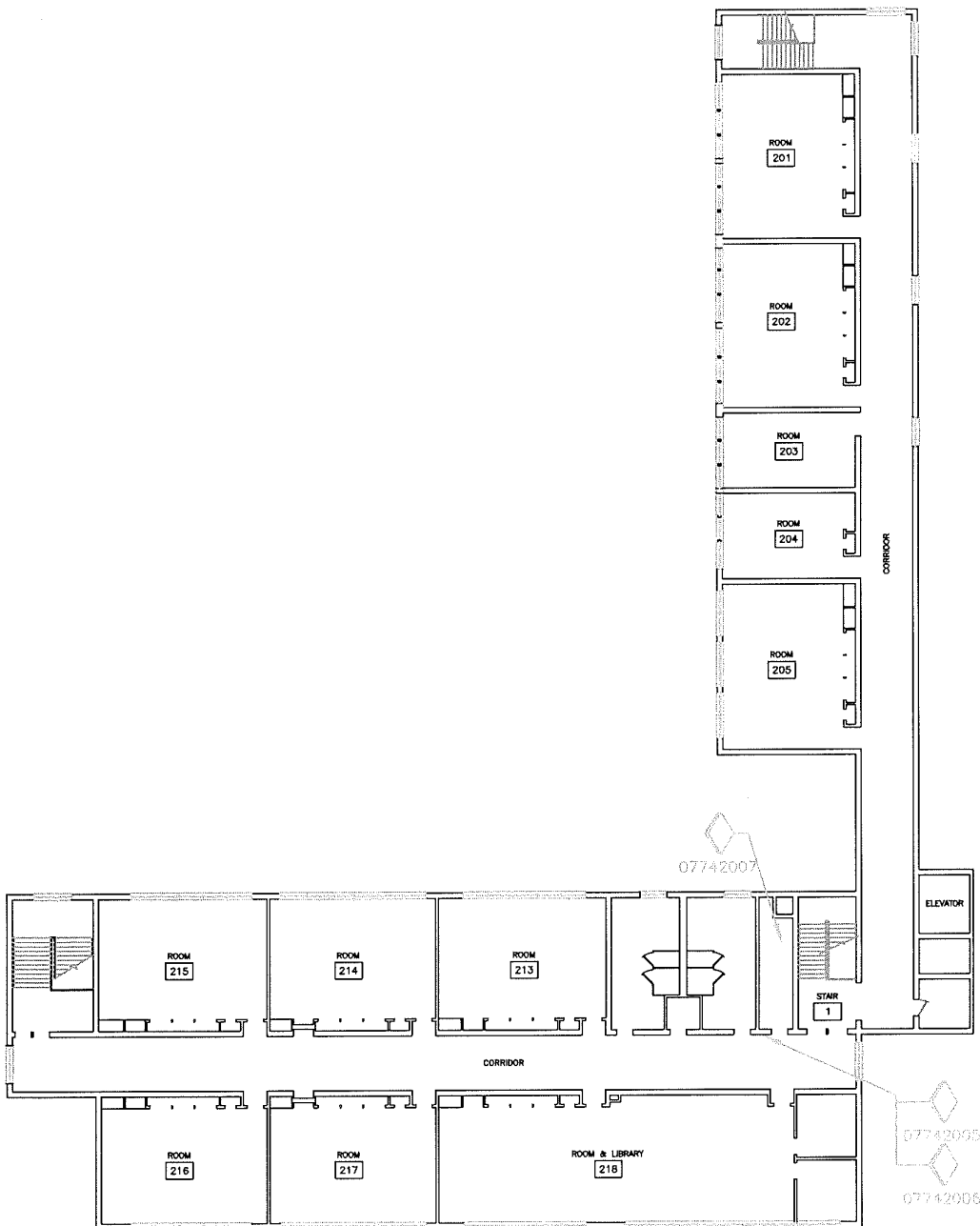


EXHIBIT B

A Child's Place - Hollin Hall located at 1500 Shenandoah Road Alexandria, Virginia 22308 Rental Schedule for Annual 2.5% Escalation

	Lease Year		Monthly Payment	Annual Cost
Year 1	7/1/2018	6/30/2019	\$18,333.33	\$220,000.00
Year 2	7/1/2019	6/30/2020	\$18,791.67	\$225,500.00
Year 3	7/1/2020	6/30/2021	\$19,261.46	\$231,137.50
Year 4	7/1/2021	6/30/2022	\$19,742.99	\$236,915.94
Year 5	7/1/2022	6/30/2023	\$20,236.57	\$242,838.84
Year 6*	7/1/2023	6/30/2024	\$20,742.48	\$248,909.81
Year 7	7/1/2024	6/30/2025	\$21,261.05	\$255,132.55
Year 8	7/1/2025	6/30/2026	\$21,792.57	\$261,510.87
Year 9	7/1/2026	6/30/2027	\$22,337.39	\$268,048.64
Year 10	7/1/2027	6/30/2028	\$22,895.82	\$274,749.85

* If both Board and Tenant agree to the exercise of the five-year option to extend the lease term.

ADMINISTRATIVE – 3

Extension of Review Period for 2232 Applications (Mount Vernon and Dranesville Districts)

ISSUE:

Extension of review period for 2232 applications to ensure compliance with review requirements of *Section 15.2-2232* of the *Code of Virginia*.

RECOMMENDATION:

The County Executive recommends that the Board extend the review period for the following applications: 2232-V18-1 and 2232-D18-2.

TIMING:

Board action is required May 15, 2018, to extend the review period of the applications noted above before their expiration date.

BACKGROUND:

Subsection B of *Section 15.2-2232* of the *Code of Virginia* states: “Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval.” The need for the full time of an extension may not be necessary, and is not intended to set a date for final action.

The review period for the following applications should be extended:

2232-V18-1	Fairfax County Department of Public Works & Environmental Services Woodlawn Fire Station 8701 Lukens Lane Alexandria, VA Mount Vernon District Accepted March 22, 2018 Extend to February 21, 2019
------------	--

Board Agenda Item
May 15, 2018

2232-D18-2 Fairfax County Park Authority
Area 1 Maintenance Shop (Pimmit Run Stream Valley Park)
1927-1929 Pimmit Drive
Falls Church, VA
Dranesville District
Accepted April 3, 2018
Extend to March 2, 2019

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
None.

STAFF:
Robert A. Stalzer, Deputy County Executive
Fred R. Selden, Director, Department of Planning and Zoning, DPZ
Marianne R. Gardner, Director, Planning Division, DPZ
Douglas W. Hansen, Senior Planner, Facilities Planning Branch, Planning Division, DPZ

ADMINISTRATIVE – 4

Authorization to Advertise a Public Hearing for the De-creation of Small and Local Sanitary Districts for Leaf Collection Service (Mason & Dranesville Districts)

ISSUE:

Board of Supervisors' authorization to advertise a Public Hearing for the De-creation of Small and Local Sanitary Districts for vacuum leaf collection service.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize advertisement of a public hearing at 4:30 p.m. on June 19, 2018, to consider the following changes to small and local sanitary districts for vacuum leaf collection service in accordance with the Board of Supervisor's adopted criteria for the creation of Small or Local Sanitary Districts.

Sanitary District	Action	Service	Recommendation
Small District within Mason District (Nine homes on Colfax Ave)	De-create	Vacuum leaf collection	Approve
Small District within Mason District (3703 Munson Road)	De-create	Vacuum leaf collection	Approve
Small District within Dranesville District (4023 North Upland Street)	De-create	Vacuum leaf collection	Approve

TIMING:

Board of Supervisors' authorization to advertise on May 15, 2018, for a Public Hearing to be held on June 19, 2018, at 4:30 p.m.

BACKGROUND:

The administrative responsibility for the Creation/Enlargement/De-creation/Re-creation of Small and Local Sanitary Districts in the County of Fairfax for refuse/recycling and/or leaf collection is with the Department of Public Works and Environmental Services,

Solid Waste Management Program (SWMP). The establishment of sanitary districts is accomplished through the action of the Board of Supervisors at public hearings.

In early 2017, the SWMP conducted a review of mapping data used to precisely define the collection areas where County waste collection service is provided. During this review, it was discovered that nine homes on Colfax Avenue, one house on Munson Avenue, and one on North Upland Street were inadvertently included in sanitary district mapping. This de-creation will rectify the mapping errors.

Details of each de-creation are described below:

Colfax Avenue, Mason District

Nine new homes were built on Colfax Avenue as infill development, with construction completed in 2008. This development was built in an existing Sanitary District that included refuse, recycling and curbside vacuum leaf collection. This Colfax Avenue development was designed as a pipestem with nine single-family homes. Fairfax County solid waste regulations do not require trash trucks to service pipestems because there is not enough room for the truck to turn around to exit (without the ability to turnaround, the trash truck must back out of the pipestem – a difficult and dangerous practice).

When trash trucks do not service pipestems, residents must bring the carts to the end of the pipestem where it meets the roadway. Some customers do not like this situation and, in the case of Colfax Avenue, residents agreed to obtain trash collection service from a privately-owned collection company that would collect with a truck on the pipestem rather than use county service. In this case, the Sanitary District for trash and recycling collection was de-created for these nine homes, but curbside vacuum leaf collection was not included in the de-creation. Since that time, the homes have been charged for leaf service but have not received the service. The de-creation of the vacuum leaf collection sanitary district for Colfax Avenue will rectify this situation.

Upon Board approval and in accordance with county policy, the owners of the nine homes will be provided refunds for three years of service through the Department of Tax Administration.

3703 Munson Road, Mason District

The inclusion of the Munson Road property was due to a clerical error. The de-creation of the vacuum leaf collection district for this property will rectify this error.

Upon Board approval, and in accordance with county policy, the owner of the home will be provided a refund for three years of service through the Department of Tax Administration.

4023 North Upland Street, Dranesville District

This property straddles both Fairfax and Arlington Counties. The property is located in a Sanitary District which includes curbside vacuum leaf collection. The resident has been receiving refuse and recycling collection service from Arlington County and has not paid Fairfax County for refuse and recycling collection.

In this case, the Sanitary District was de-created for 4023 North Upland Street but curbside vacuum leaf collection was not included in the de-creation. The de-creation of the vacuum leaf collection sanitary district for 4023 North Upland Street will rectify this situation.

Upon Board approval, and in accordance with county policy, the owner of the home will be provided a refund for three years of service through the Department of Tax Administration.

Staff recommends that the Fairfax County Board of Supervisors approve the de-creation of small and/or local sanitary district for refuse, recycling and vacuum leaf. If approved, the modification will be accomplished by July 1, 2018.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Summary Sheet

Attachment 2: Data Sheet with Proposed Resolution and Maps

STAFF:

Robert A. Stalzer, Deputy County Executive

James W. Patteson, P.E., Director, Department of Public Works and Environmental Services (DPWES)

John W. Kellas, Deputy Director, DPWES

SUMMARY SHEET

Proposed alterations to the following small and local sanitary districts for leaf collection service:

1. De-Create Small District within Mason District for the purpose of removing curbside vacuum leaf collection service to nine homes on Colfax Avenue.
2. De-Create Small District within Mason District for the purpose of removing curbside vacuum leaf collection service from 3703 Munson Road.
3. De-Create Small District within Dranesville District for the purpose of removing curbside vacuum leaf collection service from 4023 North Upland Street.

DATA SHEET

De-Create Small Districts within the Mason & Dranesville Districts

Purpose: To remove Vacuum Leaf Collection Service from:

Nine homes on Colfax Avenue - 5718, 5720, 5722, 5724, 5726, 5740, 5742, 5744, & 5746

3703 Munson Road

4023 North Upland Street

- To correct inaccuracies in sanitary district mapping that were discovered during a review of mapping.

ADOPTION OF
A RESOLUTION TO DE-CREATE
SMALL DISTRICTS
FOR CURBSIDE VACUUM LEAF COLLECTION
WITHIN MASON AND DRANESVILLE DISTRICTS

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on May 15, 2018, it was proposed by said Board to adopt a resolution to de-create sanitary districts in the Mason District with the following addresses: 5718, 5720, 5722, 5724, 5726, 5740, 5742, 5744, & 5746 Colfax Avenue and 3703 Munson Road and 4203 North Upland Street in the Dranesville District for the purpose of discontinuing curbside vacuum leaf collection to be effective on July 1, 2018, and the Clerk of said Board was directed to cause notice thereof by publication once a week for three consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on:

Tuesday, June 19, 2018
COMMENCING AT 4:30 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section *15.2-858*, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a small/local sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the properties embraced in the proposed small sanitary district will be benefited by de-creating the sanitary district for the purpose of correcting mapping to accurately describe the vacuum leaf collection area.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed de-creation of a sanitary district, pursuant to Virginia Code Section *15.2-858*, as amended, to be known

as Small District within Mason District and Small District within the Dranesville District, Fairfax County, Virginia, which said de-creation of the sanitary districts shall be described as follows and as shown on the attached maps:

Mason District - 5718, 5720, 5722, 5724, 5726, 5740, 5742, 5744, & 5746 Colfax Avenue and 3703 Munson Road

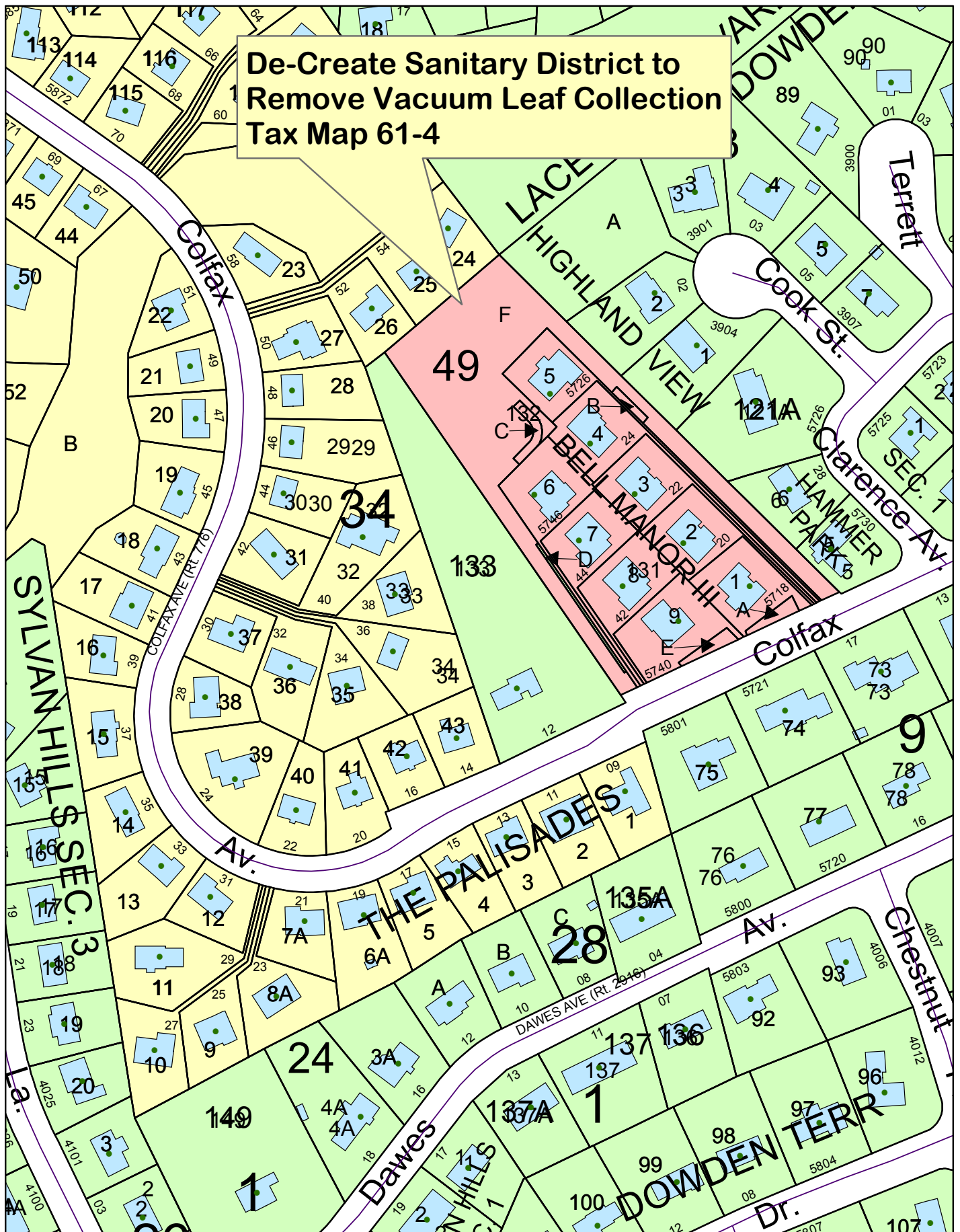
Dranesville District - 4023 North Upland Street

AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Small District within Mason and Dranesville Districts is hereby de-created to wit:

To discontinue vacuum leaf collection service for the citizens who reside therein.

Given under my hand this____day of 2018

Catherine A. Chianese
Clerk to the Board



61-4

COLFAX AVE AREA



3703 MUNSON ROAD

De-Create Sanitary District to remove from Refuse, Recycling and Vacuum Leaf Collection Tax Map 31-4

1212

4023

4027

4020

4416

5A

6A

13

57

12

1

22

24

1620

4006

N. 41st St.

N. UPLAND ST

4023 N. UPLAND ST

Board Agenda Item
May 15, 2018

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance
Expanding the Oakton Residential Permit Parking District, District 19
(Providence District)

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to expand the Oakton Residential Permit Parking District (RPPD), District 19.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing.

TIMING:

The Board should take action on May 15, 2018, to advertise a public hearing for June 19, 2018, at 4:00 p.m.

BACKGROUND:

Section 82-5A-4(a) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish RPPD restrictions encompassing an area within 2,000 feet walking distance from the pedestrian entrances and/or 1,000 feet from the property boundaries of an existing or proposed high school, existing or proposed rail station, or existing Virginia college or university campus if: (1) the Board receives a petition requesting the establishment or expansion of such a District, (2) such petition contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block face of the proposed District, and (3) the Board determines that 75 percent of the land abutting each block within the proposed District is developed residential. In addition, an application fee of \$10 per address is required for the establishment or expansion of an RPPD.

Staff has verified that the petitioning blocks are within 1,000 feet from the property boundary of Oakton High School, and all other requirements to expand the RPPD have been met.

Board Agenda Item
May 15, 2018

FISCAL IMPACT:

The cost of sign installation is estimated to be \$200. It will be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to the Fairfax County Code

Attachment II: Map Depicting Proposed Limits of RPPD Expansion

STAFF:

Robert A. Stalzer, Deputy County Executive

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Henri Stein McCartney, Sr. Transportation Planner, FCDOT

Charisse Padilla, Transportation Planner, FCDOT

ASSIGNED COUNCIL:

F. Hayden Coddington, Assistant County Attorney

Proposed Amendment

Amend *The Code of the County of Fairfax, Virginia*, by adding the following streets in Appendix G-19, Section (b), (2), Oakton Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

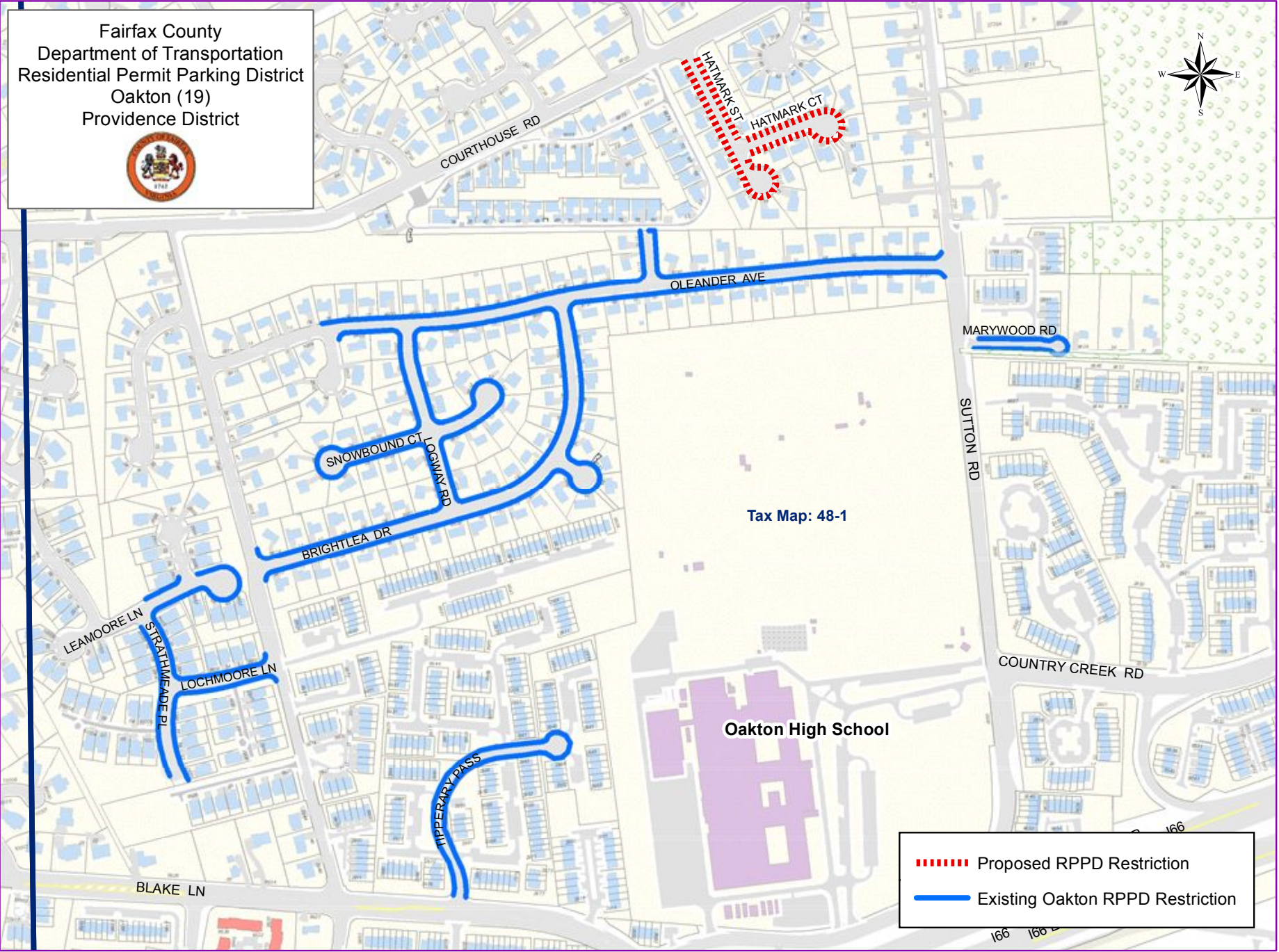

Hatmark Court (Route 6803):

From Hatmark Street to the cul-de-sac inclusive

Hatmark Street (Route 6802):

From Courthouse Road to the cul-de-sac inclusive

Fairfax County
Department of Transportation
Residential Permit Parking District
Oakton (19)
Providence District



Board Agenda Item
May 15, 2018

ADMINISTRATIVE - 6

Approval of “\$200 Additional Fine for Speeding” Signs and “Watch for Children” Signs as Part of the Residential Traffic Administration Program (Providence and Springfield Districts)

ISSUE:

Board endorsement of “\$200 Additional Fine for Speeding” signs and “Watch for Children” signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board approve a resolution (Attachment I) for the installation of “\$200 Additional Fine for Speeding” signs on the following road:

- Woodley Place from West Street to Timber Lane (Providence District)

The County Executive further recommends approval for “Watch for Children” signs on the following road:

- One ‘Watch for Children’ sign on Rippling Pond Drive (Springfield District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) request VDOT to schedule the installation of the approved “\$200 Additional Fine for Speeding” signs as soon as possible, and recommends that FCDOT be requested to schedule the installation of the approved “Watch for Children” signs as soon as possible.

TIMING:

Board action is requested on May 15, 2018.

BACKGROUND:

Section 46.2-878.2 of the *Code of Virginia* permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. These residential roadways must have a posted speed limit of 35 mph or less. In addition, to determine that a speeding problem exists, staff performs an engineering review to ascertain that additional speed

Board Agenda Item
May 15, 2018

and volume criteria are met. Woodley Place, from West Street to Timber Lane (Attachment II); meets the RTAP requirements for posting of the "\$200 Additional Fine for Speeding Signs". On April 2, 2018, FCDOT received written verification from the appropriate local supervisor's office confirming community support.

The RTAP allows for installation of "Watch for Children" signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care centers, or community centers. FCDOT reviews each request to ensure the proposed signs will be effectively located and will not be in conflict with any other traffic control devices. On April 2, 2018, (Rippling Pond Drive, Springfield District) FCDOT received verification from the appropriate local supervisor's office confirming community support for the referenced "Watch for Children" sign.

FISCAL IMPACT:

For the "\$200 Additional Fine for Speeding" signs an estimated cost of \$300 is to be paid out of the VDOT secondary road construction budget. Funding in the amount of \$300 for the "Watch for Children" sign associated with the Rippling Pond Drive (Springfield District) project is available in Fund 2G25-076-000, General Fund, under Job Number 40TTCP.

ENCLOSED DOCUMENTS:

Attachment I: "\$200 Additional Fine for Speeding" Signs Resolution – Woodley Place
Attachment II: Area Map of Proposed "\$200 Additional Fine for Speeding" Signs – Woodley Place

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric M. Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT
Neil Freschman, Chief, Traffic Engineering Section, FCDOT
Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
\$200 ADDITIONAL FINE FOR SPEEDING SIGNS
WOODLEY PLACE (PROVIDENCE DISTRICT)

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, May 15, 2018, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, Section 46.2-878.2 of the *Code of Virginia* enables the Board of Supervisors to request by resolution signs alerting motorists of enhanced penalties for speeding on residential roads; and

WHEREAS, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Woodley Place from West Street to Timber Lane. Such road also being identified as a Local Road; and

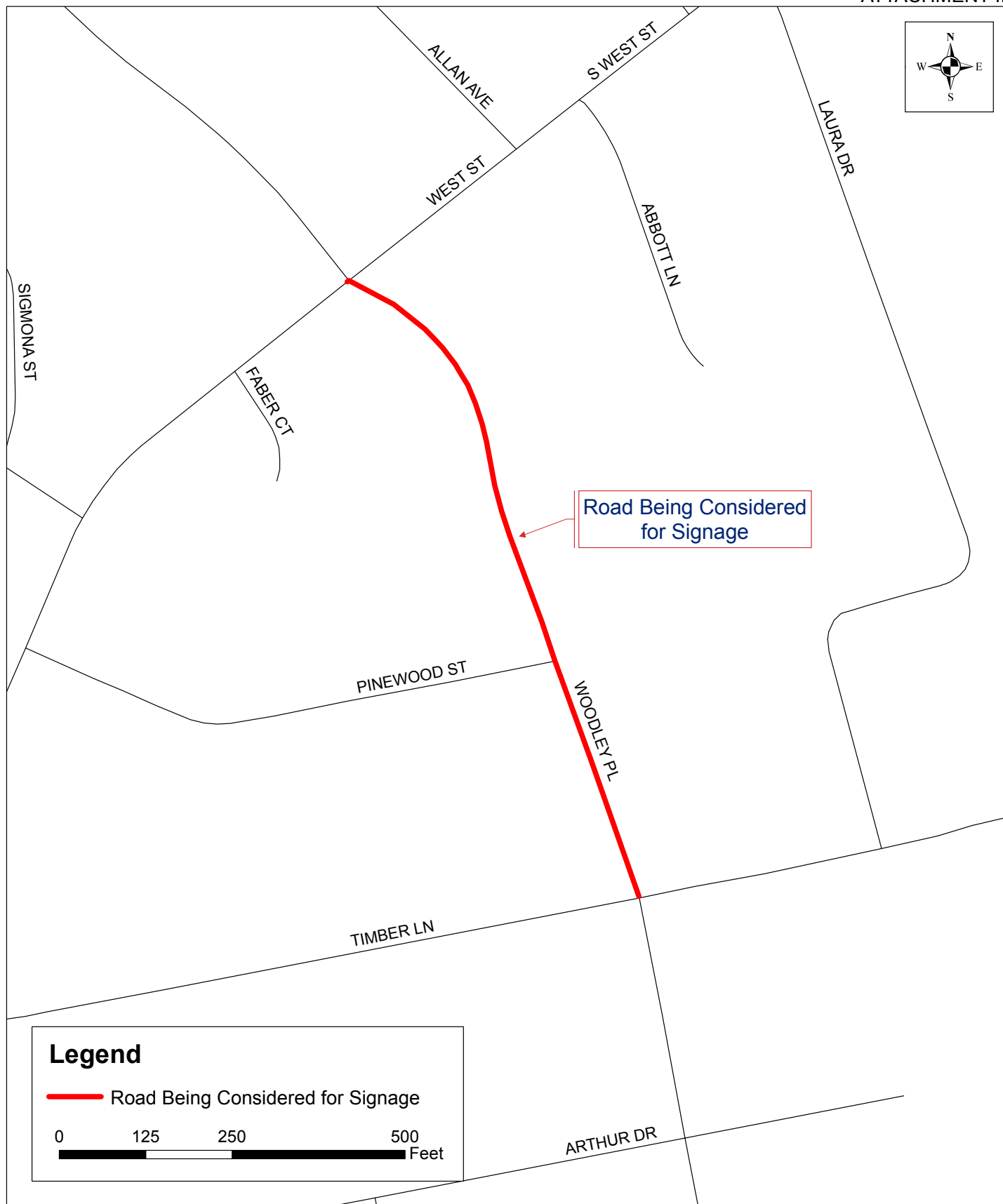
WHEREAS, community support has been verified for the installation of "\$200 Additional Fine for Speeding" signs on Woodley Place.

NOW, THEREFORE BE IT RESOLVED that "\$200 Additional Fine for Speeding" signs are endorsed for Woodley Place from West Street to Timber Lane.

AND FURTHER, the Virginia Department of Transportation is requested to allow the installation of the "\$200 Additional Fine for Speeding" signage, and to maintain same, with the cost of each sign to be funded from the Virginia Department of Transportation's secondary road construction budget.

A Copy Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors



APRIL 2018



A Fairfax Co. Va., publication

Fairfax County Department of Transportation
 Residential Traffic Administration Program (RTAP)
 \$200 FINE FOR SPEEDING SIGNAGE
 WOODLEY PLACE
 Providence District



Tax Map: 50-1

Board Agenda Item
May 15, 2018

ADMINISTRATIVE – 7

Authorization to Advertise a Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic

ISSUE:

Public Hearing on amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-1-6.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the advertisement of a public hearing on the proposed amendments to Chapter 82.

TIMING:

Authorization to advertise the proposed amendments on May 15, 2017; Board of Supervisors' public hearing scheduled for June 19, 2018, at 4:30 p.m.

BACKGROUND:

As a housekeeping measure to update Chapter 82, portions of Section 82-1-6 (Adoption of State Law) have been amended to reflect changes made to the *Code of Virginia* by the 2018 General Assembly. A summary of the changes as a result of the 2018 General Assembly amendments affecting Chapter 82 is provided in Attachment 2.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 - Proposed Amendments to Chapter 82, Motor Vehicles and Traffic
Attachment 2 - Summary of 2018 General Assembly Amendments Affecting Chapter 82, Motor Vehicles and Traffic.

STAFF:

David M. Rohrer, Deputy County Executive
Colonel Edwin C. Roessler Jr., Chief of Police

Assigned Counsel:

Kimberly P. Baucom, Senior Assistant County Attorney

Proposed Amendments to
Chapter 82, Motor Vehicles and Traffic

Article 1. – In General.

Section 82-1-6. Adoption of State Law

Pursuant to the authority of Section 46.2-1313 of the Virginia Code, all provisions and requirements of the following sections of the Code of Virginia, as in effect on July 1, ~~2017~~ 2018, except those provisions and requirements the violation of which constitutes a felony, are hereby incorporated into the Fairfax County Code by reference, effective July 1, ~~2017~~ 2018.

18.2-266	18.2-269	46.2-203.1
18.2-266.1	18.2-270	46.2-218
18.2-267	18.2-270.01	46.2-300
18.2-268.1	18.2-270.1	46.2-301
18.2-268.2	18.2-271	46.2-301.1
18.2-268.3	18.2-271.1	46.2-302
18.2-268.4	18.2-272	46.2-329
18.2-268.5	<u>46.2-100</u>	46.2-334.001
18.2-268.6	46.2-102	46.2-341.20:5
18.2-268.7	46.2-104	46.2-341.26:2
18.2-268.8	46.2-108	46.2-341.26:3
18.2-268.9	46.2-109	46.2-341.26:4
18.2-268.10	46.2-110	46.2-341.26:7
18.2-268.11	46.2-111	46.2-341.26:9
18.2-268.12	46.2-112	46.2-341.27

46.2-341.28	46.2-715	46.2-821
46.2-346	46.2-716	46.2-822
46.2-349	46.2-724	46.2-823
46.2-357	46.2-730	46.2-824
46.2-371	46.2-800	46.2-825
46.2-373	46.2-801	46.2-826
46.2-376	46.2-802	46.2-827
46.2-379	46.2-803	46.2-828
46.2-380	46.2-804	46.2-828.2
46.2-391.01	46.2-805	46.2-829
46.2-391.2	46.2-806	46.2-830
46.2-391.3	46.2-807	46.2-831
46.2-391.4	46.2-808	46.2-832
46.2-392	46.2-808.1	46.2-833
46.2-393	46.2-810	46.2-833.1
46.2-398	46.2-811	46.2-834
46.2-602.3	46.2-812	46.2-835
<u>46.2-613</u>	46.2-814	46.2-836
46.2-616	46.2-816	46.2-837
46.2-617	46.2-817	46.2-838
46.2-618	46.2-818.1	46.2-839
46.2-704	46.2-819.4	46.2-841
<u>46.2-711</u>	46.2-820	46.2-842

46.2-842.1	46.2-866	46.2-888
46.2-844	46.2-868	46.2-889
46.2-845	46.2-868.1	46.2-890
46.2-846	46.2-869	46.2-891
46.2-848	<u>46.2-870</u>	46.2-892
46.2-849	46.2-871	46.2-893
46.2-850	46.2-872	46.2-894
46.2-851	46.2-873	46.2-895
46.2-852	46.2-874	46.2-896
46.2-853	46.2-876	46.2-897
46.2-854	46.2-877	46.2-898
46.2-855	46.2-878	46.2-899
46.2-856	46.2-878.1	46.2-900
46.2-857	46.2-878.2	46.2-902
46.2-858	46.2-878.3	46.2-903
46.2-859	46.2-879	46.2-905
46.2-860	46.2-880	46.2-906
46.2-861	46.2-882	46.2-908.1
46.2-862	46.2-883	46.2-909
46.2-863	46.2-884	46.2-910
46.2-864	46.2-885	46.2-911.1
46.2-865	46.2-886	46.2-912
46.2-865.1	46.2-887	46.2-914

46.2-915	46.2-1002	46.2-1032
46.2-915.2	46.2-1003	46.2-1033
46.2-918	46.2-1004	46.2-1034
46.2-919	46.2-1010	46.2-1035
46.2-919.1	46.2-1011	46.2-1036
46.2-920	<u>46.2-1012</u>	46.2-1037
46.2-921	46.2-1013	46.2-1038
<u>46.2-921.1</u>	46.2-1014	46.2-1039
46.2-922	46.2-1015	46.2-1040
46.2-923	46.2-1016	46.2-1041
46.2-924	46.2-1017	46.2-1043
46.2-926	46.2-1018	46.2-1043.1
46.2-927	46.2-1019	46.2-1044
46.2-928	<u>46.2-1020</u>	46.2-1047
46.2-929	46.2-1021	<u>46.2-1049</u>
46.2-930	<u>46.2-1022</u>	46.2-1050
46.2-932	<u>46.2-1023</u>	46.2-1052
46.2-936	46.2-1024	46.2-1053
46.2-937	46.2-1025	46.2-1054
46.2-940	<u>46.2-1026</u>	46.2-1055
46.2-942	46.2-1027	46.2-1056
46.2-1001.1	46.2-1030	46.2-1057
46.2-1001	46.2-1031	46.2-1058

46.2-1059	46.2-1088	46.2-1154
46.2-1060	46.2-1088.1	46.2-1155
46.2-1061	46.2-1088.2	46.2-1156
46.2-1063	46.2-1088.5	46.2-1157
46.2-1064	46.2-1088.6	46.2-1158
46.2-1065	46.2-1090	<u>46.2-1158.01</u>
46.2-1066	46.2-1091	46.2-1158.02
46.2-1067	46.2-1092	46.2-1158.1
46.2-1068	46.2-1093	46.2-1172
46.2-1070	46.2-1102	46.2-1173
46.2-1071	46.2-1105	46.2-1218
46.2-1072	46.2-1110	46.2-1219.2
46.2-1076	46.2-1111	46.2-1234
46.2-1077	46.2-1112	46.2-1240
46.2-1077.01	46.2-1115	46.2-1242
46.2-1078	46.2-1116	46.2-1250
<u>46.2-1078.1</u>	46.2-1118	46.2-1309
46.2-1079	46.2-1120	<u>46.2-1508.2</u>
46.2-1080	46.2-1121	46.2-1552
46.2-1081	46.2-1130	46.2-1561
46.2-1082	46.2-1137	46.2-2910
46.2-1083	46.2-1150	
46.2-1084	46.2-1151	

References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the County. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein; and it shall be unlawful for any person, within the county, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 or Title 18.2-266, 18.2-266.1, 18.2-267, 18.2-268.1 through 18.2-268.12, 18.2-269, 18.2-270, 18.2-270.01, 18.2-270.1, 18.2-271, 18.2-271.1 and 18.2-272 of the *Code of Virginia* which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 or Title 18.2-266, 18.2-266.1, 18.2-267, 18.2-268.1 through 18.2-268.12, 18.2-269, 18.2-270, 18.2-270.01, 18.2-271, 18.2-270.1, 18.2-271.1 and 18.2-272 of the *Code of Virginia*.

ATTACHMENT 2

SUMMARY OF 2018 GENERAL ASSEMBLY AMENDMENTS AND REPEAL AFFECTING CHAPTER 82

The information presented below summarizes changes to Title 18.2 and Title 46.2 of the *Code of Virginia*, portions of which are adopted by reference into Chapter 82 of the *Code of the County of Fairfax*.

Be it enacted by the General Assembly of Virginia:

An Act to amend and reenact [46.2-100](#) and [46.2-1158.01](#), relating to military surplus motor vehicles; registration and operation on highways. Defines “military surplus motor vehicle” as a multipurpose or tactical vehicle that was manufactured by or under the direction of the United States Armed Forces for off-road use and subsequently authorized for sale to civilians. Exempts licensed military surplus motor vehicles from inspection requirements.

An Act to amend and reenact § [46.2-613](#) of the Code of Virginia, relating to parked vehicles; registration, licensing, and titling requirements. Expands from vehicles operated on a highway to vehicles operated or parked on a highway the class of vehicles subject to registration, licensing, and titling requirements. The bill contains technical amendments.

An Act to amend and reenact § [46.2-870](#) of the Code of Virginia, relating to maximum speed limits on certain highways. Increases from 55 miles per hour to 60 miles per hour the maximum speed limit on U.S. Route 301, the entirety of U.S. Route 17, and State Routes 3 and 207.

An Act to amend and reenact §§ [46.2-921.1](#) and [46.2-1026](#) of the Code of Virginia, relating to public utility vehicles; yielding right-of-way or reducing speed. Public utility service vehicles; yielding right-of-way or reducing speed. Authorizes vehicles used by any public utility company for the purpose of repairing, installing, or maintaining electric or natural gas utility equipment or service to use certain high-intensity amber warning lights. The bill provides that if such a vehicle is stationary and displaying such lights, drivers shall, if possible, make a lane change to the lane not adjacent to the vehicle or reduce speed and proceed with caution.

An Act to amend and reenact § [46.2-1012](#) of the Code of Virginia, relating to auxiliary lights on motorcycles and autocycles. Provides that motorcycles and autocycles may be equipped with red or amber standard bulb running lights or light-emitting diode (LED) pods or strips as auxiliary lighting. The bill requires such lights to (i) be directed at the ground, (ii) be designed for vehicular use, (iii)

not emit a beam of light greater than 25 candlepower per bulb, (iv) not be attached to wheels, and (v) not be blinking, flashing, oscillating, or rotating.

An Act to amend and reenact § [46.2-1020](#) of the Code of Virginia, relating to lighting devices on motor vehicles; covering. Provides that if certain lighting devices are unlit, have a clear lens, and have a clear reflector if the lighting device has a reflector, then a vehicle equipped with such lighting device may be operated on the highways without covering the lighting device.

An Act to amend and reenact § [46.2-1022](#) of the Code of Virginia, relating to steady-burning blue or red lights on law-enforcement vehicles. Permits law-enforcement vehicles to be equipped with steady-burning blue or red lights in addition to being equipped with flashing, blinking, or alternating blue, blue and red, blue and white, or red, white, and blue combination warning lights of types approved by the Superintendent of State Police.

An Act to amend and reenact § [46.2-1023](#) of the Code of Virginia, relating to flashing red or red and white warning lights. Allows vehicles of the National Guard Chemical, Biological, Radiological, Nuclear and High Yield Explosive (CBRNE) Enhanced Response Force Package (CERFP) to utilize flashing, blinking, or alternating red or red and white combination warning lights when responding to an emergency.

An Act to amend and reenact § [46.2-1049](#) of the Code of Virginia, relating to exhaust system in good working order; excluded vehicles. Excludes vehicles licensed as antique motor vehicles from the requirement that such vehicle be equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual levels of noise. Current law excludes antique motor vehicles manufactured prior to 1950 from such requirements.

An Act to amend and reenact § [46.2-1078.1](#) of the Code of Virginia, relating to use of handheld personal communication devices; highway work zone. Imposes a mandatory fine of \$250 for using a handheld personal communications device for reading emails or texting while operating a motor vehicle in a highway work zone, defined in the bill.

An Act to amend and reenact § [46.2-1508.2](#) of the Code of Virginia, relating to display or parking of used motor vehicles for sale; penalty. Clarifies that the prohibition on the display or parking, or permitting the display or parking, of five or more used motor vehicles within any 12-month period on real property to sell or advertise the sale of used motor vehicles applies per property and provides that a property owner or lessee in violation of such prohibition is guilty of a Class 4 misdemeanor. The bill also requires the Motor Vehicle Dealer Board to create a form to place on a vehicle that is in violation of the law. The bill contains technical am

ACTION – 1

Authorization for Fairfax County Fire and Rescue Department (FRD) to Align Income Threshold at Which Individuals Qualify for Financial Hardship Waiver of Emergency Medical Services (EMS) Transport Bills with Charity Care Level Set at Predominant EMS Transport Destination

ISSUE:

Board of Supervisors authorization is requested for FRD to utilize the charity care level set at the department's predominant destination for EMS transports as the income threshold below which individuals may qualify for a financial hardship waiver of EMS transport bills. During a recent audit of the EMS Transport Billing program performed by the Office of Financial and Program Audit (OFPA), audit findings included: (1) FRD and the County have been utilizing an income threshold for approval of EMS transport financial hardship waivers that has recently become outdated and (2) FRD's acceptance of Inova Health System charity care letters as sufficient documentation for approval of financial hardship waivers may have allowed for the possibility of inconsistent application of EMS transport waiver guidelines. To maintain consistency with Board guidance to utilize compassionate billing policies for EMS transports, both now and in the future, FRD requires Board authorization to annually review and, if appropriate, realign the income threshold at which individuals may qualify for a waiver of their EMS transport bill. Any future changes to the income threshold at which individuals may qualify for EMS transport financial hardship waivers will be brought to the Board's attention as an Information Item prior to FRD implementation.

RECOMMENDATION:

The County Executive recommends that the Board authorize FRD to utilize the charity care level set at the department's predominant destination for EMS transports as the income threshold below which individuals may qualify for a financial hardship waiver of their EMS transport bills beginning in FY 2019. At the end of each fiscal year, FRD staff will review the charity care policies of all regional hospitals to which FRD transports patients and ensure ongoing utilization of the appropriate income threshold for EMS financial hardship transport waivers for the upcoming fiscal year. Any future changes to the income threshold at which individuals may qualify for EMS transport financial hardship waivers will be brought to the Board's attention as an Information Item prior to FRD implementation.

TIMING:

Board action is requested on May 15, 2018, to provide sufficient time for implementation of the revised income threshold and associated policies for EMS transport financial hardship waivers to go into effect as of July 1, 2018 (FY 2019).

BACKGROUND:

Since implementation of the EMS Transport Billing program in April 2005, the Board has authorized FRD to utilize 300 percent of the federal poverty guidelines (FPG) as the income level below which an individual may qualify for a financial hardship waiver of an EMS transport bill. This authorization has been implemented consistently by FRD under *Standard Operating Procedure 01.05.01 – EMS Transport Billing Financial Hardship Guidelines*. Since that time and consistent with Board guidance to utilize compassionate billing policies for EMS transports, the fixed use of 300 percent of FPG for EMS transport financial hardship waivers has been well-aligned with the charity care policies of the regional emergency departments to which FRD transports patients. Under these policies, during FY 2017, FRD and the EMS Transport Billing program:

- Provided 53,341 billable EMS transports;
- Collected \$21.2 million in net revenues; and
- Approved 654 financial hardship waivers (i.e., 1.2 percent of all billable EMS transports) worth \$201,003 (i.e., 0.9 percent of total net revenues) for individuals with documented incomes below 300 percent of FPG.

Beginning in 2016, Inova Health System began implementing utilization of 400 percent of FPG as the income threshold below which patients treated qualify for charity care, making the charity care level more generous than the EMS transport financial hardship waiver level set by Fairfax County. Inova Health System emergency departments are also the destination for the overwhelming majority of EMS transports provided by FRD (i.e., 78.5 percent of all EMS transports in FY 2017).

As noted in a February 13, 2018, OFPA report to the Board's Audit Committee, this Inova Health System policy change has created inconsistencies that are confusing to patients and constituents. Based on this OFPA report and the subsequent Board Audit Committee's recommendation and approval, full Board action is being sought to authorize FRD's annual review and appropriate alignment of these levels beginning in FY 2019, as specified in Attachment 1 – Revised FRD *Standard Operating Procedure 01.05.01 – EMS Transport Billing Financial Hardship Guidelines*.

FISCAL IMPACT:

If implemented in FY 2019, FRD staff projects approved EMS transport financial hardship waivers to increase by up to 2.5 percent. Based on FY 2017 data, this action would result in up to 16 additional EMS transport financial hardship waivers being approved and total reduction of an estimated \$5,025 per year in General Fund revenue.

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ENCLOSED DOCUMENTS:

Attachment 1 – Revised FRD Standard Operating Procedure 01.05.01 – EMS Transport
Billing Financial Hardship Guidelines

Attachment 2 – Copy of Federal Poverty Guidelines for 2018



STAFF:

David M. Rohrer, Deputy County Executive

John J. Caussin, Jr., Interim Fire Chief, Fire & Rescue Department

Cathi Schultz-Rinehart, Director, Fiscal Services Division, Fire & Rescue Department

Arsenio G. DeGuzman, Jr., Program Manager, EMS Transport Billing Program/Fiscal
Services Division, Fire & Rescue Department

FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT STANDARD OPERATING PROCEDURE		
	SUBJECT: EMS TRANSPORT BILLING FINANCIAL	
	HARDSHIP GUIDELINES	
	SOP 01.05.01	
	PAGE 1 OF 2	
	CATEGORY: EMS Transport Billing	SUBCATEGORY: Finance
	APPROVED BY:	
	EFFECTIVE DATE: March 23, 2005	
	REVISION DATE: April 12, 2018	
	CFAIPI: 4B.10 and 4B.8	
	Fire Chief Richard Bowers  FIRE AND RESCUE DEPARTMENT	
	FORMS REQUIRED:	
	Request for Ambulance Fee Waiver Form	
	NOTE: Current forms are located on the department's Intranet	

PURPOSE:

To establish guidelines for the write-off of Emergency Medical Services (EMS) transport bills.

I. PREFACE

The charges for EMS transport billing may be waived for financial hardship by the guidelines established here or with the approval of the Fire Chief, an Assistant Chief, or by the Fiscal Services Division Director. These procedures are intended to serve as guidelines and to ensure an audit trail.

II. PROCEDURES

To ensure consistent alignment with the income threshold at which individuals may qualify for a hardship waiver of their EMS transport bill, the Fire and Rescue Department (FRD) will review the current charity care policies of the regional emergency departments to which it transports patients at the end of each fiscal year. INOVA Health System emergency departments have historically been the destination for the overwhelming majority of the FRD's EMS transports. Based upon and following each annual review, the FRD will set (for the upcoming fiscal year) the income threshold at which individuals may qualify for a hardship waiver of their EMS transport bill consistent with the charity care level set at the predominant destination for FRD EMS transports.

1. Patients requesting a reduction or write off of their transport charge shall complete the [Request for Ambulance Fee Waiver form](#). The form is available on Fairfax County's internet site and can be requested by calling the billing company or the patient advocate by phone at 703-246-2266.
2. The completed form shall be forwarded to the patient advocate. The patient advocate will review the form to determine if the person meets the income guidelines for the waiver of the fee.

SUBJECT: EMS TRANSPORT BILLING FINANCIAL HARDSHIP GUIDELINES	EFFECTIVE DATE: March 23, 2005 REVISION DATE: April 12, 2018 CFAI PI: 4B.10 and 4B.8	SOP 01.05.01
CATEGORY: EMS Transport Billing	SUBCATEGORY: Finance	PAGE 2 OF 2

If the patient meets the guidelines, approval will be noted, a copy of the form will be kept in the file, and the form will be transmitted to the billing company authorizing the waiver of the patient's charges. The patient advocate will notify the patient in writing when the Ambulance Fee Waiver has been approved or denied.

3. If the patient does not meet the established guidelines but still requests a waiver, the request may be forwarded to the EMS Transport Billing Manager for review. The EMS Transport Billing Manager can recommend to the Fiscal Services Division Director that the request be forwarded to the Fire Chief or his/her designee for final approval of a reduction outside the income guidelines and inform the patient of the decision to waive the charges, or recommend against the waiver.
4. If the patient does not complete or submit the required documentation for an ambulance fee waiver request, the waiver application will be deemed invalid or denied. FRD will notify the patient in writing and communicate a 30-day deadline for completion or submission of all required documentation, requesting the needed additional information, back-up documentation, and/or completion of a hardship waiver application. Following the 30-day period, if an ambulance fee waiver application is still incomplete, the patient's account will continue to be processed with any outstanding bills due per established EMS Transport Billing Program Policies and Procedures.
5. Any time a charge is waived, the documentation shall be filed in the Fiscal Services Division's central files and a copy sent to the billing company.

ATTACHMENT 2

FAIRFAX COUNTY FIRE & RESCUE DEPARTMENT EMS TRANSPORT BILLING 2018 HARDSHIP GUIDELINES

2018 HHS Poverty Guidelines - 48 Contiguous States and D.C.			
Persons in Family	100%	300%	400%
1	\$12,140	\$36,420	\$48,560
2	\$16,460	\$49,380	\$65,840
3	\$20,780	\$62,340	\$83,120
4	\$25,100	\$75,300	\$100,400
5	\$29,420	\$88,260	\$117,680
6	\$33,740	\$101,220	\$134,960
7	\$38,060	\$114,180	\$152,240
8	\$42,380	\$127,140	\$169,520
For each additional person, add	\$4,320	\$12,960	\$17,280
<p>* Patients with annual household incomes less than 300% of the federal poverty guidelines may have their liability for EMS transport fees waived.</p> <p>** Pending Board of Supervisors approval on May 15, 2018, beginning July 1, 2018, patients with annual household incomes less than 400% of the federal poverty guidelines may have their liability for EMS transport fees waived.</p>			

ACTION - 2

Adoption of a Resolution Approving the Issuance of Revenue Funding Bonds by the Economic Development Authority for the Benefit of George Mason University Foundation (GMUF) Mason Administration, LLC

ISSUE:

Requesting that the Fairfax County Economic Development Authority issue up to \$33,000,000 revenue bonds for the benefit of George Mason University Foundation (GMUF) Mason Administration, LLC

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution.

TIMING:

Board action is requested on May 15, 2018.

BACKGROUND:

The Fairfax County Economic Development Authority has received a request from George Mason University Foundation (GMUF) Mason Administration, LLC. The Foundation seeks the issuance of tax-exempt bonds in an amount up to \$33,000,000, which will be used for the following purposes:

- 1) To finance the refunding of outstanding Educational Facilities Revenue Bond series 2010A originally issued by the Fairfax County Economic Development Authority in the principal amount of \$36,000,000. These proceeds were used to finance the acquisition, construction and equipping of a five-story building consisting of 140,000 square feet of classrooms, administrative offices and retail space located at 4441 George Mason Boulevard in Fairfax, Virginia.
- 2) To potentially fund the termination of an interest rate swap entered into connection with the 2010A Bond and
- 3) To fund the bond issuance and contingency costs.

Board Agenda Item
May 15, 2018

FISCAL IMPACT:

The Foundation proposes to expend \$2,588,700 for local goods and services that will be purchased from Virginia companies within Fairfax County. Staff salaries average \$83,900 per year.

ENCLOSED DOCUMENTS:

Attachment 1 - Resolution of the Board of Supervisors
Attachment 2 - Certificate of Public Hearing with supporting documents
Attachment 3 – Fiscal Impact Statement

STAFF:

Gerald I. Gordon, PhD, Director, Fairfax County Economic Development Authority
Thomas O. Lawson, Esq., Counsel to Fairfax County Economic Development Authority

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF FAIRFAX, VIRGINIA

WHEREAS, the Fairfax County Economic Development Authority (the "Authority") has considered the application of GMUF Mason Administration, LLC (the "Borrower"), a Virginia limited liability company whose sole member, George Mason University Foundation, Inc., is a nonprofit corporation which is described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended ("Code"), requesting the issuance of the Authority's revenue bonds in an amount not to exceed \$33,000,000 (the "Bonds") to assist the Borrower in (a) refunding the Authority's outstanding Revenue Bond (GMUF Mason Administration, LLC Project) Series 2010A (the "2010A Bond"), which was issued for the purpose of financing or refinancing a portion of the costs of (i) the acquisition, construction, renovation and equipping of five-story administration building consisting of approximately 140,000 square feet for classrooms, administrative offices and retail space located at 4441 George Mason Boulevard, in the County of Fairfax, Virginia, and (ii) certain other expenditures associated therewith, including costs of issuance of the 2010A Bond; (b) funding swap breakage costs in connection with the 2010A Bond; and (c) funding certain costs of the issuance of the proposed bonds (collectively, the "Refunding Project"), and has held a public hearing on April 11, 2018 in connection therewith;

WHEREAS, Section 147(f) of the Code provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of such bonds;

WHEREAS, the Authority issues its bonds on behalf of the County of Fairfax, Virginia (the "County"), the Refunding Project concerns certain facilities and improvements located in the County, and the Board of Supervisors of the County of Fairfax, Virginia (the "Board") constitutes the highest elected governmental unit of the County;

WHEREAS, the Authority has recommended that the Board approve the issuance of the Bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FAIRFAX, VIRGINIA:

1. The Board approves the issuance of the Bonds by the Authority and the financing of the Refunding Project for the benefit of the Borrower and its sole member, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended.
2. The approval of the issuance of the Bonds and the financing of the Refunding Project does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the financed or refinanced facilities or the Borrower.

3. The issuance of the Bonds as requested by the Borrower will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or the County, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof will be pledged to the payment of the Bonds. Neither the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and money pledged therefor.

4. This resolution shall take effect immediately upon its adoption.

Adopted by the Board of Supervisors of the County of Fairfax, Virginia this ____ day of _____, 2018.

A Copy Teste:

Clerk, Board of Supervisors of the
County of Fairfax, Virginia

[SEAL]

CERTIFICATE

The undersigned Secretary of the Fairfax County Economic Development Authority (the "Authority") certifies as follows:

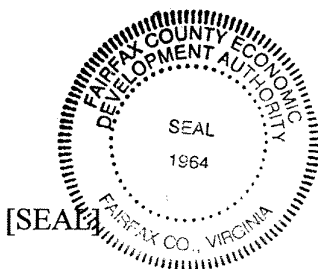
1. A meeting of the Authority was duly called and held on April 11, 2018 at 6:00 p.m. at 8300 Boone Boulevard, Suite 450 in Vienna, Virginia, pursuant to proper notice given to each Commissioner of the Authority before such meeting. The meeting was open to the public. The time of the meeting and the place at which the meeting was held provided a reasonable opportunity for persons of differing views to appear and be heard.

2. The Chairman announced the commencement of a public hearing on the application of GMUF Mason Administration, LLC and that a notice of the hearing was published once a week for two successive weeks in a newspaper having general circulation in the County of Fairfax, Virginia (the "Notice"), with the second publication appearing not less than seven days nor more than twenty-one days prior to the hearing date. A copy of the Notice has been filed with the minutes of the Authority and is attached as Exhibit A.

3. A summary of the statements made at the public hearing is attached as Exhibit B.

4. Attached as Exhibit C is a true, correct and complete copy of a resolution ("Resolution") adopted at such meeting of the Authority by a majority of the Commissioners present at such meeting. The Resolution constitutes all formal action taken by the Authority at such meeting relating to matters referred to in the Resolution. The Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on this date.

WITNESS my hand and the seal of the Authority, this 11th day of April, 2018.



Secretary, Fairfax County Economic Development Authority

Exhibits:

A – Copy of Certified Notice

B – Summary of Statements

C – Resolution

Ad # 12172456 Name MCGUIREWOODS LLP ATTN: KATHERINE EMBREY
Class 820 PO# Authorized by

Size 116 Lines

T0010
Account 2010049094

PROOF OF PUBLICATION

District of Columbia, ss., Personally appeared before me, a Notary Public in and for the said District, Travona James well known to me to be BILLING SUPERVISOR of The Washington Post, a daily newspaper published in the City of Washington, District of Columbia, and making oath in due form of law that an advertisement containing the language annexed hereto was published in said newspaper on the dates mentioned in the certificate herein.

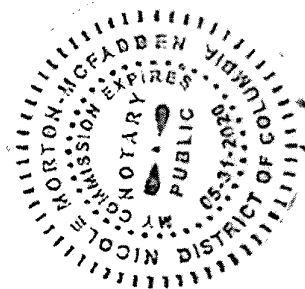
I Hereby Certify that the attached advertisement was published in The Washington Post, a daily newspaper, upon the following date(s) at a cost of \$2,786.16 and was circulated in the Washington metropolitan area.

Published 2 time(s). Date(s): 28 of March 2018
04 of April 2018

Account 2010049094

Witness my hand and official seal this 4th day of April 20 18

My commission expires 5/3/2020



NOTICE OF PUBLIC HEARING ON PROPOSED REVENUE BOND FINANCING BY FAIRFAX COUNTY ECONOMIC DEVELOPMENT

AUTHORITY Notice is hereby given that the Fairfax County Economic Development Authority (the #Authority") will hold a public hearing on the application of GMUF Mason Administration, LLC (the #Applicant"), a Virginia limited liability company whose sole member, George Mason University Foundation, Inc., is an organization that is not organized exclusively for religious purposes and is

described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. The address of the

Applicant and its sole member is 4400 University Drive, MSN 1A3, Fairfax, Virginia 22030. The Applicant has requested the Authority to issue up to \$33,000,000 of its revenue bonds to assist the

Applicant and its sole member in (a) refunding certain prior bonds (the #Prior Bonds") issued by the

Authority to finance or refinance a portion of the costs of (i) the acquisition, construction, renovation and equipping of five-story administration building consisting of approximately 140,000

square feet for classrooms, administrative offices and retail space located at 4441 George Mason Boulevard, in the County of Fairfax, Virginia, and (ii) certain other expenditures associated therewith, including costs of issuance of the Prior Bonds; (b) funding swap breakage costs in connection with the Prior Bonds; and (c) funding certain costs of the issuance of the proposed bonds. The issuance of revenue bonds as requested by the Applicant will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or the County of Fairfax, Virginia,

and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof, including the County of Fairfax, Virginia, will be pledged to the payment of such bonds. The public hearing, which may be continued or adjourned, will be held at 6:00 p.m. on April 11, 2018, before the Authority at its offices at 8300 Boone Boulevard, Suite 450,

Vienna, Virginia 22182. Any person interested in the issuance of the bonds or the proposed refinancing may appear at the hearing and present his or her views. A copy of the Applicant's application is on file and is available for inspection at the office of the Authority's counsel,

T0011

Account 2010049094

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EXHIBIT B TO CERTIFICATE

Summary of Statements

Representatives of GMUF Mason Administration, LLC, George Mason University Foundation, Inc. and McGuireWoods LLP, bond counsel, appeared before the Authority to explain the proposed plan of refinancing. No one appeared in opposition to the proposed bond issue.

**RESOLUTION OF THE
FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY
AUTHORIZING THE ISSUANCE OF UP TO \$33,000,000 OF ITS REFUNDING
REVENUE BONDS FOR THE BENEFIT OF GMUF MASON ADMINISTRATION, LLC**

WHEREAS, the Fairfax County Economic Development Authority, a political subdivision of the Commonwealth of Virginia (the "Authority"), is empowered by the Acts of Assembly, 1964, Ch. 643, pg. 975, as amended ("Act"), to issue its revenue bonds for, among other purposes, the financing and refinancing of facilities for use by organizations (other than organizations organized and operated exclusively for religious purposes) that are described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended ("Code"), and are exempt from federal income taxation pursuant to Section 501(a) of the Code and to refund bonds issued for such purposes;

WHEREAS, the Authority has received a request from GMUF Mason Administration, LLC (the "Borrower"), a Virginia limited liability company whose sole member, George Mason University Foundation, Inc., is an organization which is not organized exclusively for religious purposes and is described in Section 501(c)(3) of the Code, requesting that the Authority issue its revenue bonds, at one time or from time to time in one or more tax-exempt or taxable series, to assist the Borrower in (a) refunding the Authority's outstanding Revenue Bond (GMUF Mason Administration, LLC Project) Series 2010A (the "2010A Bond"), which was issued for the purpose of financing or refinancing a portion of the costs of (i) the acquisition, construction, renovation and equipping of five-story administration building consisting of approximately 140,000 square feet for classrooms, administrative offices and retail space located at 4441 George Mason Boulevard, in the County of Fairfax, Virginia, and (ii) certain other expenditures associated therewith, including costs of issuance of the 2010A Bond; (b) funding swap breakage costs in connection with the 2010A Bond; and (c) funding certain costs of the issuance of the proposed bonds (collectively, the "Refunding Project");

WHEREAS, such assistance will induce the Borrower to remain in the Commonwealth of Virginia (the "Commonwealth"), and particularly in the County of Fairfax, Virginia (the "County"), and will benefit the inhabitants of the County and the Commonwealth, either through the increase of their commerce or through the promotion of their safety, health, welfare, convenience or prosperity;

WHEREAS, the Refunding Project has been described to the Authority and a public hearing has been held on April 11, 2018 in accordance with the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code");

WHEREAS, the Borrower has represented that the estimated cost of the Refunding Project and all expenses of issue will require an issue of bonds in the aggregate principal amount not to exceed \$33,000,000, and, at the request of the Borrower, the Authority desires to authorize the issuance of its Refunding Revenue Bond (GMUF Mason Administration, LLC Project) Series 2018 (the "Bond") pursuant to the Act;

WHEREAS, the Bond will be issued and sold to Sandy Spring Bank (the "Bond Purchaser") pursuant to a Loan and Financing Agreement (the "Agreement"), to be dated a date

on or prior to the date of issuance of the Bond, among the Authority, the Borrower and the Bond Purchaser;

WHEREAS, the foregoing arrangements will be reflected in the following documents (the "Basic Documents") which the Authority proposes to execute to carry out the transactions described above, substantially final forms of which have been prepared or reviewed by bond counsel to the Authority and presented to the Authority for its approval:

- (a) the Agreement and all exhibits thereto;
- (b) form of the Bond, bearing interest and payable as provided therein and in the Agreement and which is attached to the Agreement as an exhibit; and
- (c) form of the Borrower's promissory note, including the form of the Authority's assignment or endorsement thereof, which is attached to the Agreement as an exhibit;

WHEREAS, (a) no Commissioner of the Authority is an officer or employee of the County, (b) each Commissioner has, before entering upon his or her duties during his or her present term of office, taken and subscribed to the oath prescribed by Section 49-1 of the Code of Virginia of 1950, as amended, and (c) at the time of their appointments and at all times thereafter, including the date hereof, all of the Commissioners of the Authority have satisfied the residency requirements of the Act; and

WHEREAS, no Commissioner of the Authority has any personal interest or business interest in the Borrower, the proposed Bond or has otherwise engaged in conduct prohibited under the State and Local Government Conflict of Interests Act, Chapter 31, Title 2.2 of the Code of Virginia of 1950, as amended in connection with this resolution or any other official action of the Authority in connection therewith.

After careful consideration and in furtherance of the public purposes for which the Authority was created NOW, THEREFORE, BE IT RESOLVED BY THE FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY:

1. It is hereby found and determined that the Refunding Project will be in the public interest and will promote the commerce, safety, health, welfare, convenience or prosperity of the Commonwealth, the County and their citizens.

2. To induce the Borrower to remain in the Commonwealth of Virginia, and particularly in the County, the Authority hereby authorizes and approves the issuance of the Bond in an aggregate amount not to exceed \$33,000,000. The Bond shall be substantially in the form attached as an exhibit to the Agreement.

3. The Chair, Vice Chair and any other officer of the Authority, any of whom may act (the "Authorized Official"), are hereby authorized and directed to execute the Bond, which shall bear interest at the rates, shall mature on such date and shall be subject to redemption at such times as are set forth in the Agreement and the Bond. The Authorized Official is hereby authorized to approve the final terms of the Bond; provided that (a) the interest rates borne by the Bond shall not exceed the maximum rate permitted by law, (b) the final maturity of the Bond shall not be later than forty (40) years after the date of the initial issuance of the Bond, and (c)

the principal amount of the Bond shall not exceed \$33,000,000. Such approvals shall be evidenced conclusively by the execution and delivery of the Bond.

4. The Bond and each of the Basic Documents shall be in substantially the same forms as submitted to this meeting, which are hereby approved, with such completions, omissions, insertions and changes (including, without limitation, changes of the dates thereof) as may be approved by the Authorized Official executing them, his or her execution to constitute conclusive evidence of the approval of any such completions, omissions, insertions and changes. The execution, delivery and performance by the Authority of the Basic Documents are hereby authorized and directed.

5. The Authorized Official is hereby authorized and directed to execute on behalf of the Authority, and to deliver the Bond, the Basic Documents and such other agreements, certificates, documents and instruments as are authorized hereby or contemplated by the Basic Documents, and, if required, the Secretary or any other officer of the Authority is authorized and directed to affix the seal of the Authority to the Bond, the Basic Documents and such other agreements, certificates, documents and instruments and to attest such seal. The signatures of the Authorized Official, the Secretary (or such other officer) and the seal of the Authority on the Bond may be by facsimile.

6. The Authorized Official is hereby authorized and directed to execute and deliver on behalf of the Authority such other agreements, certificates, documents and instruments and to do and perform such other things and acts, as shall be necessary or appropriate to carry out the transactions authorized by this resolution or contemplated by the Bond, the Basic Documents or such other agreements, certificates, documents and instruments. All of the foregoing previously done or performed on behalf of the Authority are in all respects hereby approved, ratified and confirmed.

7. Any authorization herein to execute a document shall include authorization to change the date of such document, record such document where appropriate and to deliver it to the other parties thereto.

8. All other acts of the officers of the Authority that are in conformity with the purposes and intent of this resolution and in furtherance of the issuance and sale of the Bond and the undertaking of the Refunding Project are hereby approved and confirmed.

9. The Authority hereby designates McGuireWoods LLP, Tysons, Virginia, to serve as bond counsel and hereby appoints such firm to supervise the proceedings and approve the issuance of the Bond.

10. The Borrower has agreed in the Loan Agreement to indemnify and save harmless the Authority, its officers, commissioners, employees and agents from and against all liabilities, obligations, claims, damages, penalties, losses, costs and expenses in any way connected with the issuance and sale of the Bond.

11. All costs and expenses in connection with financing the Refunding Project, including the fees and expenses of the Authority, bond counsel, counsel for the Authority, the Bond Purchaser and Bond Purchaser's counsel shall be paid from the proceeds of the Bond (but only to the extent permitted by applicable law) or from moneys provided by the Borrower. If for

any reason the Bond is not issued, it is understood that all such expenses shall be paid by the Borrower and that the Authority shall have no responsibility therefor.

12. The Bond shall be a limited obligation of the Authority and shall be payable solely out of revenues, receipts and payments specifically pledged therefor. Neither the commissioners, officers, agents or employees of the Authority, past, present and future, nor any person executing the Bond, shall be liable personally on the Bond by reason of the issuance thereof. The Bond shall not be deemed to constitute a general obligation debt or a pledge of the faith and credit of the Commonwealth of Virginia or any political subdivision thereof, including the Authority or the County (and the Bond shall so state on its face), and neither the Commonwealth of Virginia nor any such political subdivision thereof shall be personally liable thereon, nor in any event shall the Bond be payable out of any funds or properties other than the special funds and sources provided therefor. Neither the faith and credit nor the taxing power of the Commonwealth of Virginia, or any political subdivision thereof, shall be pledged to the payment of the principal of the Bond or the interest thereon or other costs incident thereto. The Bond shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

13. The Authority (including its officers, commissioners, employees and agents) shall not be liable and hereby disclaims all liability to the Borrower and all other persons or entities for any damages, direct or consequential, resulting from the issuance of the Bond or failure of the Authority to issue the Bond for any reason. Any obligation of the Authority to exercise its powers in the County to issue the Bond as requested by the Borrower is contingent upon the satisfaction of all legal requirements and the Authority shall not be liable and hereby disclaims all liability to the Borrower for any damages, direct or consequential, resulting from the Authority's failure to issue Bond for the Refunding Project for any reason, including but not limited to, the failure of the Board of Supervisors of the County (the "Board of Supervisors") to approve the issuance of the Bond.

14. The Authority recommends that the Board of Supervisors approve the issuance of the Bond.

15. No Bond may be issued pursuant to this resolution until such time as the issuance of the Bond has been approved by the Board of Supervisors.

16. The approval of the issuance of the Bond does not constitute an endorsement to a prospective purchaser of the Bond of the creditworthiness of the Borrower or the Refunding Project.

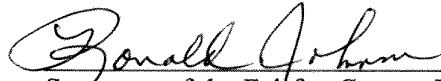
17. This resolution shall take effect immediately upon its adoption.

Adopted: April 11, 2018

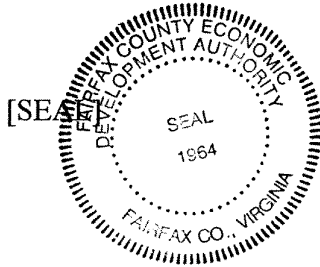
CERTIFICATE

The undersigned Secretary of the Fairfax County Economic Development Authority (the "Authority") certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Commissioners of the Authority present and voting at a meeting duly called and held on April 11, 2018, in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on this date.

WITNESS the following signature and seal of the Authority, this 11th day of April, 2018.



Secretary of the Fairfax County Economic
Development Authority



FAIRFAX COUNTY

ECONOMIC DEVELOPMENT AUTHORITY

Industrial Revenue Bonds

Fiscal Impact Statement

Applicant: GMUF Mason Administration, LLC

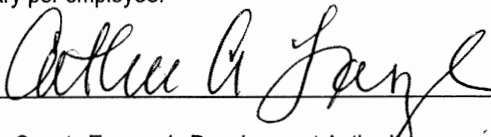
Facility: Refunding of previous issues which financed and refinanced an administration building

Date: April 11, 2018

- | | | |
|----|--|--------------|
| 1. | Maximum amount of financing sought: | \$33,000,000 |
| 2. | Estimated taxable value of the facility's real property to be constructed in the municipality: | N/A |
| 3. | Estimated real property tax per year using present tax rates: | N/A |
| 4. | Estimated personal property tax per year using present tax rates: | N/A |
| 5. | Estimated merchants' capital tax per year using present tax rates: | N/A |
| 6. | Estimated dollar value per year of: | |
| | a. goods that will be purchased from Virginia companies within the locality | \$ 43,600 |
| | b. goods that will be purchased from non-Virginia companies within the locality | \$ 22,400 |
| | c. services that will be purchased from Virginia companies within the locality | \$2,545,100 |
| | d. services that will be purchased from non-Virginia companies within the locality | \$1,029,800 |
| 7. | Estimated number of regular employees on year-round basis: | 8.5 FTE |
| 8. | Average annual salary per employee: | \$ 83,900 |

Authority Chairman

Name of Authority


Fairfax County Economic Development Authority

8300 Boone Boulevard | Suite 450 | Vienna, Virginia 22182-2633 USA
t: 703.790.0600 | f: 703.893.1269 | e: info@fceda.org

www.FairfaxCountyEDA.org

Offices worldwide: San Francisco | Bangalore | Frankfurt | London | Seoul | Tel Aviv

ACTION - 3

Approval of Funding Authority, and a Standard Project Agreement with the Virginia Department of Transportation, for the Town Center Parkway Extension/Dulles Toll Road Underpass Alternatives Analysis (Hunter Mill District)

ISSUE:

Board of Supervisors approval of, and authorization for the Director of the Department of Transportation to execute a Standard Project Agreement (PAA) with the Virginia Department of Transportation (VDOT), substantially in the form of Attachment 2, and funding authority for the implementation of the Town Center Parkway Extension/Dulles Toll Road (DTR) Underpass Alternatives Analysis (Project).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) approve a resolution (Attachment 1), authorizing the Director of the Department of Transportation to execute a SPA with VDOT substantially in the form of Attachment 2, and \$1 million in funding authority for the implementation of the Project.

TIMING:

The Board should act on this item on May 15, 2018, so that VDOT can begin implementation of the Project.

BACKGROUND:

The extension of Town Center Parkway from Sunset Hills Road to Sunrise Valley Drive west of Edmund Haley Drive is recommended in the Reston Phase I Comprehensive Plan Amendment approved by the Board on February 11, 2014. It is a high priority for improving circulation in Reston, and will support the additional development approved in the Comprehensive Plan Amendment. This improvement is necessary to achieve the vision of the Reston Transit Station Areas (TSAs), and enhance connectivity of the overall roadway network. Since construction of the underpass structure beneath an active Metrorail line in the future would cause significant interruption to the rail service, Fairfax County and the Metropolitan Washington Airports Authority (MWAA) worked together to advance design and construction of the rail support structure as part of the Phase 2 Dulles Metrorail project that passes over the future underpass, thus allowing Metrorail tracks to span the future roadway extension.

This project was approved as part of the Reston Funding Plan for transportation improvements on February 28, 2017. The current total project estimate (TPE) is \$168.98 million. Although not scheduled to begin implementation until FY 2020, staff

seeks to advance alternatives analysis in preparation of preliminary engineering/design in FY 2020.

The proposed agreement between Fairfax County and VDOT would be for the implementation of an alternatives analysis. The VDOT Project number and UPC, not currently shown in the agreement, will be included prior to agreement execution. Activities in the scope of work include, but are not limited to (also found in Appendix B of the agreement, Attachment 2):

- Review information obtained from the previous studies/analyses.
- Obtain new aerial mapping. Ground survey work may also need to be performed as part of this effort.
- Perform up to three plan and profile studies, including the preferred conceptual alignment developed to date (as shown in conjunction with the Silver Line Metrorail project), considering the existing constraints and upcoming development projects that may affect roadway profile and determine the impacts to adjacent property.
- Determine cross section features referring to the Silver Line Metrorail project and the Fairfax County Comprehensive Plan, in particular the proposed growth scenarios driven by the Reston Phase I Comprehensive Plan Amendment. As part of this effort, also assess the walkability, bicycle, and transit connectivity. Include rendering of typical section with widths of each element and indicate any design waivers and/or exceptions required for the proposed section.
- Determine preliminary intersection configurations using the results from Reston Network Analysis being performed following the adoption of the Reston Phase I Comprehensive Plan Amendment.
- Identify potential stormwater detention basin locations.
- Perform Preliminary Environmental Inventory (PEI) which indicates environmental features that may be impacted by the project.
- Develop preliminary project cost estimate including potential utility relocation and right-of-way costs.
- Coordinate with external stakeholders including, but not limited to, Federal Highway Administration, Metropolitan Washington Council of Governments, Metropolitan Washington Airports Authority, and Washington Metropolitan Area Transit Authority.

FISCAL IMPACT:

Funding in the amount of \$1 million is available in Fund 40010 (County and Regional Transportation Projects) construction reserve. Funding will be formally reallocated as part of the *FY 2018 Carryover Review* process. There is no impact to the General Fund.

ENCLOSED DOCUMENTS:

Attachment 1: Resolution to Execute a Standard Project Agreement with the Virginia Department of Transportation

Attachment 2: Standard Project Agreement (including Related Appendices) with the Virginia Department of Transportation for the Town Center Parkway Extension/Dulles Toll Road Underpass Alternatives Analysis

STAFF:

Robert A. Stalzer, Deputy County Executive

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Todd Minnix, Chief, Transportation Design Division, FCDOT

Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Karyn Moreland, Section Chief, Capital Projects Section, FCDOT

Todd Wigglesworth, Chief, Coordination and Funding Division (CFD), FCDOT

Ray Johnson, Senior Transportation Planner, CFD, FCDOT

Janet Nguyen, Transportation Planner, CFD, FCDOT

ASSIGNED COUNSEL:

Joanna Faust, Assistant County Attorney

Fairfax County Board of Supervisors Resolution

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center in Fairfax, Virginia, on Tuesday, May 15, 2018, at which meeting a quorum was present and voting, the following resolution was adopted:

AGREEMENT EXECUTION RESOLUTION

**A RESOLUTION FOR THE BOARD OF SUPERVISORS OF THE COUNTY OF
FAIRFAX, VIRGINIA
AS AN ENDORSEMENT OF THE
Town Center Parkway Extension/Dulles Toll Road Underpass
PROJECT**

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the Virginia Department of Transportation (VDOT) to establish a project(s), if not already established, in the County of Fairfax.

NOW, THEREFORE, BE IT RESOLVED, that the County of Fairfax requests the Commonwealth Transportation Board to establish a project(s), if not already established, for the implementation of, Town Center Parkway Extension/Dulles Toll Road Underpass project ("Project").

BE IT FURTHER RESOLVED THAT, the County of Fairfax hereby agrees to provide its share of the local contribution, in accordance with the Project Administration Agreements ("PAA", attached) and associated financial documents (Appendix A), executed pursuant to this Resolution.

BE IT FURTHER RESOLVED THAT, the Board of Supervisors of Fairfax County, Virginia, authorizes the Director of Fairfax County's Department of Transportation to execute, on behalf of the County of Fairfax, the PAA with the Virginia Department of Transportation for the implementation of the Project to be administered by VDOT.

Adopted this 15th day of May 2018, Fairfax, Virginia

ATTEST _____
Catherine A. Chianese
Clerk to the Board of Supervisors

**VDOT ADMINISTERED – LOCALLY FUNDED
PROJECT ADMINISTRATION AGREEMENT**

FAIRFAX COUNTY
PROJECT NUMBER [REDACTED] UPC [REDACTED]

THIS AGREEMENT, made and executed in triplicate on this the ____ day
of _____, 20__, between the COMMONWEALTH OF
VIRGINIA DEPARTMENT OF TRANSPORTATION, hereinafter referred
to as the "DEPARTMENT" and the COUNTY OF FAIRFAX, hereinafter
referred to as the "COUNTY."

WITNESSETH

WHEREAS, the COUNTY has expressed its desire to have the DEPARTMENT administer the work as described in Appendix B, and such work for each improvement shown is hereinafter referred to as the Project; and

WHEREAS, the funds as shown in Appendix A have all been allocated by the COUNTY to finance the project; and

WHEREAS, the COUNTY has requested that the DEPARTMENT design and construct this project in accordance with the scope of work described in Appendix B, and the DEPARTMENT has agreed to perform such work; and

WHEREAS, both parties have concurred in the DEPARTMENT's administration of the project identified in this Agreement and its associated Appendices A and B in accordance with applicable federal, state, and local law and regulations; and

WHEREAS, the County's governing body has, by resolution, which is attached hereto, authorized its designee to execute this Agreement; and

WHEREAS, Section 33.2-338 of the Code of Virginia authorizes both the DEPARTMENT and the COUNTY to enter into this Agreement;

NOW THEREFORE, in consideration of the promises and mutual covenants and agreements contained herein, the parties hereto agree as follows:

A. The DEPARTMENT shall:

1. Complete said work as identified in Appendix B, advancing such diligently, and all work shall be completed in accordance with the schedule established by both parties.
2. Perform or have performed, and remit all payments for, all preliminary engineering, right-of-way acquisition, construction, contract administration, and inspection services activities for the project(s) as required.

3. Provide a summary of project expenditures to the COUNTY for charges of actual DEPARTMENT cost.
 4. Notify the COUNTY of additional project expenses resulting from unanticipated circumstances and provide detailed estimates of additional costs associated with those circumstances. The DEPARTMENT will make all efforts to contact the COUNTY prior to performing those activities.
 5. Return any unexpended funds to the COUNTY no later than 90 days after the project(s) have been completed and final expenses have been paid in full.
- B. The COUNTY shall:
1. Provide funds to the DEPARTMENT for Preliminary Engineering (PE), Right of Way (ROW) and/or Construction (CN) in accordance with the payment schedule outlined in Appendix A.
 2. Accept responsibility for any additional project costs resulting from unforeseeable circumstances, but only after concurrence of the COUNTY and modification of this Agreement.
- C. Funding by the COUNTY shall be subject to annual appropriation or other lawful appropriation by the Board of Supervisors.
- D. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
- E. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the County or the Department shall not be bound by any agreements between either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the

County or the Department has, in writing, received a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.

- F. Nothing in this Agreement shall be construed as a waiver of the COUNTY's or the Commonwealth of Virginia's sovereign immunity.
- G. Should funding be insufficient and county funds be unavailable, both parties will review all available options for moving the project forward, including but not limited to, halting work until additional funds are allocated, revising the project scope to conform to available funds, or cancelling the project.
- H. Should the project be cancelled as a result of the lack of funding by the COUNTY, the COUNTY shall be responsible for any costs, claims and liabilities associated with the early termination of any construction contract(s) issued pursuant to this agreement.
- I. This Agreement may be terminated by either party upon 60 days advance written notice. Eligible expenses incurred through the date of termination shall be reimbursed to the DEPARTMENT subject to the limitations established in this Agreement.

THE COUNTY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors and assigns.

THIS AGREEMENT may be modified in writing upon mutual agreement of both parties.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

COUNTY OF FAIRFAX, VIRGINIA:

_____	_____
	Date
_____	_____
Typed or Printed Name of Signatory	Date
_____	_____
Signature of Witness	Date

NOTE: The official signing for the COUNTY must attach a certified copy of his or her authority to execute this Agreement.

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:

_____	_____
Chief of Policy	Date
Commonwealth of Virginia	
Department of Transportation	
_____	_____
Signature of Witness	Date

VDOT Administered, Locally Funded Appendix A

Date:

Project Number: TBD	UPC: TBD	CFDA#	Locality:
Project Location ZIP+4: 20191-3427		Locality Address (incl ZIP+4): 4050 Legato Rd, Suite 400, Fairfax, VA 22033-2895	
Project Narrative			
Scope: Alternatives analysis to extend Town Center Parkway from Sunset Hills Road to Sunrise Valley Drive in Reston under the Dulles Corridor.			
From: Sunset Hills Road			
To: Sunrise Valley Drive			
Locality Project Manager Contact info: Audra Bandy		Phone: 703-877-5713	audra.bandy@fairfaxcounty.gov
Department Project Coordinator Contact Info: (name)		Phone:	(Email)

Project Estimates	
Phase	Estimated Project Costs
Preliminary Engineering	\$1,000,000
Right of Way & Utilities	\$0
Construction	\$0
Total Estimated Cost	\$1,000,000
Estimate for Current Billing	

Project Cost				
Phase	Project Allocations	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount
Preliminary Engineering	\$980,000	Local Funds	100.00%	\$980,000
				\$0
				\$0
Total PE	\$980,000			\$980,000
Right of Way & Utilities	\$10,000	Local Funds	100.00%	\$10,000
				\$0
				\$0
Total RW	\$10,000			\$10,000
Construction	\$10,000	Local Funds	100.00%	\$10,000
				\$0
				\$0
Total CN	\$10,000			\$10,000
Total Estimated Cost	\$1,000,000			\$1,000,000

Total Maximum Reimbursement / Payment by Locality to VDOT	\$1,000,000
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Project Financing					
Local Funds					Aggregate Allocations
\$1,000,000	\$0	\$0	\$0	\$0	\$1,000,000

Payment Schedule			
FY 2018	FY 20	FY 20	FY 20
\$1,000,000			

Program and project Specific Funding Requirements			
<ul style="list-style-type: none"> This is a limited funds project. The locality shall be responsible for any additional funding in excess of \$1,000,000 (if applicable) VDOT has billed \$0.00 (dollar amount) the locality for this project as of (date) VDOT has received \$0.00 (dollar amount) from the locality for this project as of (date) The locality shall make a one time payment of \$1,000,000 no later than 60 days after agreement execution. All local funds included on this appendix have been formally committed by the local government's board or council resolution. 			

This attachment is certified and made an official attachment to this document by the parties to this agreement

Authorized Locality Official and Date

Authorized VDOT Official and Date

Typed or printed name of person signing

Typed or printed name of person signing

Revised: June 15, 2016

Appendix B

Project Number: TBD (UPC TBD)

Locality: Fairfax County

Project Scope			
Work Description:	Town Center Parkway Underpass		
From:	Sunset Hills Road		
To:	Sunrise Valley Drive		
Locality Project Manager Contact Info:		Audra Bandy	Audra.Bandy@fairfaxcounty.gov
Department Project Coordinator Contact Info:		(Name)	703-877-5713

Detailed Scope of Services
<p>VDOT to perform alternatives analysis to extend Town Center Parkway from Sunset Hills Rd to Sunrise Valley Drive in Reston under the Dulles Access Road, Dulles Toll Road and the Silver Line.</p> <ul style="list-style-type: none"> Information obtained from the previous studies/analyses will be reviewed and VDOT will obtain new aerial mapping. Ground survey work may also need to be performed as part of this effort. Subsurface utility survey will be required. Perform up to three plan and profile studies, including the preferred conceptual alignment developed to date (as shown in conjunction with the Silver Line Metrorail project), considering the existing constraints and upcoming projects that may affect roadway profile and determine the impacts to adjacent property. Determine cross section features referring to the Silver Line Metrorail project, MWAA Corridor Operations Improvements Plan (or current equivalent) and the Fairfax County Comprehensive plan, in particular the proposed growth scenarios driven by the recent Fairfax County Comprehensive plan amendment. As part of this effort, also assess the walkability, bicycle, and transit connectivity. Include rendering of typical section with widths of each element and indicate any design waivers and/or exceptions required for the proposed section. Determine preliminary intersection configurations using the results from the traffic analyses being performed as part of the Fairfax County Comprehensive plan amendment. Identify potential stormwater detention basin locations. Perform Preliminary Environmental Inventory (PEI) which indicates environmental features that may be impacted by the project. Develop preliminary project cost estimate for each alignment including potential utility relocation and Right-of-Way costs and construction feasibility. <p>Page 1 of 2</p>

- Coordinate with external stakeholders including, but not limited to, FHWA, MWCOG, MWAA, WMATA.
- Prepare Stage I (Type, Size and Location) Reports for bridges carrying the Rte 267 (Dulles Toll Road) and the Dulles International Airport Access Highway (DIAAH) over Town Center Parkway. This work will include subsurface borings to obtain geotechnical information for determining bridge and retaining wall foundations.

This attachment is certified and made an official attachment to this document by the parties of this agreement

Authorized Locality Official and date

Residency Administrator/PE Manager/District Construction Engineer
Recommendation and date

Typed or printed name of person signing

Typed or printed name of person signing

ACTION – 4

Approval of Funding Adjustments to the Transportation Priorities Plan, and Allocation of Funding from the Reston and Tysons Transportation Service Districts

ISSUE:

Board of Supervisors approval of funding adjustments to projects in the Board's Transportation Priorities Plan (TPP), and allocation of funding from the Reston and Tysons Transportation Service Districts.

RECOMMENDATION:

The County Executive recommends that the Board approve \$26.1 million in funding authority for transportation projects as follows:

- \$1,600,000 in Tysons Transportation Service District (TTSD) funding for Tysons/Old Meadow Road Bike/Ped Improvements.
- \$3,500,000 in TTSD funding for Route 7 Widening (I-495 to I-66).
- \$500,000 in Reston Transportation Service District (RTSD) funding for Fairfax County Parkway at Sunrise Valley Drive Interim Intersection Improvements.
- \$20,500,000 in Northern Virginia Transportation Authority (NVTA) local funding for Balls Hill Road at Old Dominion Drive intersection improvements.

TIMING:

The Board should act on this item on May 15, 2018, so staff can continue implementation of projects as expeditiously as possible. Funding authority is needed to advance these projects ahead of the next quarterly budget update. The circumstances which result in the need to advance these projects are described below.

BACKGROUND:

This request addresses immediate project needs, and will ensure that major County transportation projects remain funded and continue to advance.

Tysons/Old Meadow Road Bike and Pedestrian Improvements

The project will include the construction of a shared use path, improving bicycle and pedestrian safety and connectivity in the vicinity of Route 123 and I-495, also improving connectivity between areas east and west of I-495. Design approval is expected in spring 2018, and construction is anticipated to be complete by fall 2020.

Board Agenda Item
May 15, 2018

The total project estimate for this improvement is \$6.2 million. VDOT currently has \$4.6 million in approved funding from various sources. Staff is requesting additional funding in the amount of \$1.6 million to fully fund the project. This project is one of the 17 Tysons-wide transportation projects supported by the TTSD. The \$1.6 million needed has been identified in Fund 40180, Tysons Service District. Members of the service district advisory board recommended use of these funds at the Advisory Board meeting on April 4, 2018, meeting.

Route 7 Widening (I-495 to I-66)

The project will include the widening of Route 7 from I-495 (Capital Beltway) to I-66, with bicycle/pedestrian facilities, and accommodations for Bus Rapid Transit.

The total project estimate for this improvement is \$64.5 million. This project is one of the 17 Tysons-wide transportation projects supported by the TTSD. Staff is requesting funding approval in the amount of \$3.5 million to advance early preliminary engineering. This funding has been identified in Fund 40180, Tysons Service District. Members of the service district advisory board recommended use of these funds at the Advisory Board meeting on April 4, 2018, meeting.

Fairfax County Parkway at Sunrise Valley Drive

The project will improve traffic flow through lane reconfiguration, signal optimization. Bicycle and pedestrian facilities will also be upgraded.

Total project estimate for this improvement is between \$2.2 million to \$4.3 million, based on the preferred option. Intersection improvements at this location were included as part of the Reston Transportation Funding Plan (RTFP), approved by the Board on February 28, 2017. Staff is requesting funding approval in the amount of \$500,000 to advance preliminary engineering for this project. This funding has been identified in Fund 40190 (RTSD). The service district advisory board recommended the use of these funds at the Advisory Board meeting on April 5, 2018.

Balls Hill Road at Old Dominion Drive Intersection Improvements

The Balls Hill Road at Old Dominion Drive spot improvement study is located in the Dranesville District. The existing skewed intersection is heavily congested. FCDOT staff studied several alternatives to improve the intersection. Staff recommends allocating funding to implement the preferred alternative.

The total project estimate for this intersection improvement is \$20.7 million. Staff is proposing to use NVTA local funds set aside primarily for the Tysons Neighborhood Intersection project funding in Fund 40010, County and Regional Transportation Projects.

Board Agenda Item
May 15, 2018

FISCAL IMPACT:

Funding in the amount of \$26.1 million for these projects is available as follows: \$20.5 million from Fund 40010, County and Regional Transportation Projects; \$5.1 million from Fund 40180, Tysons Service District; and \$500,000 from Fund 40190, Reston Service District. Funding will be formally reallocated as part of the *FY 2018 Carryover Review* process. There is no impact to the General Fund.

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Department of Transportation (DOT)
Todd Wigglesworth, Chief, Coordination and Funding Division (CFD), DOT
Eric Tietleman, Chief, Capital Projects and Traffic Engineering Division (CPTED), DOT
Todd Minnix, Chief, Transportation Design Division (TDD), DOT
Karyn Moreland, Chief, Capital Projects Section, CPTED, DOT
Chris Wells, Senior Transportation Planner, CPTED, DOT
Ray Johnson, Transportation Planner, CFD, DOT
Janet Nguyen, Transportation Planner, CFD, DOT

Board Agenda Item
May 15, 2018

INFORMATION - 1

Fairfax Connector May 2018 Service Adjustments

To improve the delivery of transit service and maintain effective transit schedules for the Fairfax Connector's customers, the Department of Transportation Transit Services Division (TSD) staff will be making modifications to the following schedules, unless otherwise directed by the Board of Supervisors:

Routes 321 / 322: There is currently a running time issue with the weekday morning and evening peak period trips between the Van Dorn Street Metrorail Station and the Bren Mar Drive / Merle Place time point on Route 321 and between the Van Dorn Street Metrorail Station and Kingtowne Boulevard on Route 322. The TSD staff will be implementing a more accurate public timetable by shifting time from segments with extra time and/or layover time. This adjustment will result in no fiscal impact, span of service change, or headway impact on Routes 321 / 322.

RIBS 3: The running times on the 3:50 P.M. trips between Hunter Woods Village Center / Hunter Woods Fellowship House and between Hunter Woods Fellowship House / Wiehle-Reston Metrorail Station need to be adjusted. TSD staff will be implementing a new public timetable to correct this situation. This adjustment will result in no fiscal impact, span of service change, or headway impact on RIBS 3.

Based on the approved 2017 Title VI (Civil Rights) Plan guidelines, there is no requirement to conduct a Title VI evaluation, since there are no service impacts on Routes 321 / 322 or RIBS 3.

FISCAL IMPACT:

There will be no additional impact to the General Fund.

ENCLOSED DOCUMENTS:

Attachment I – Updated route schedules

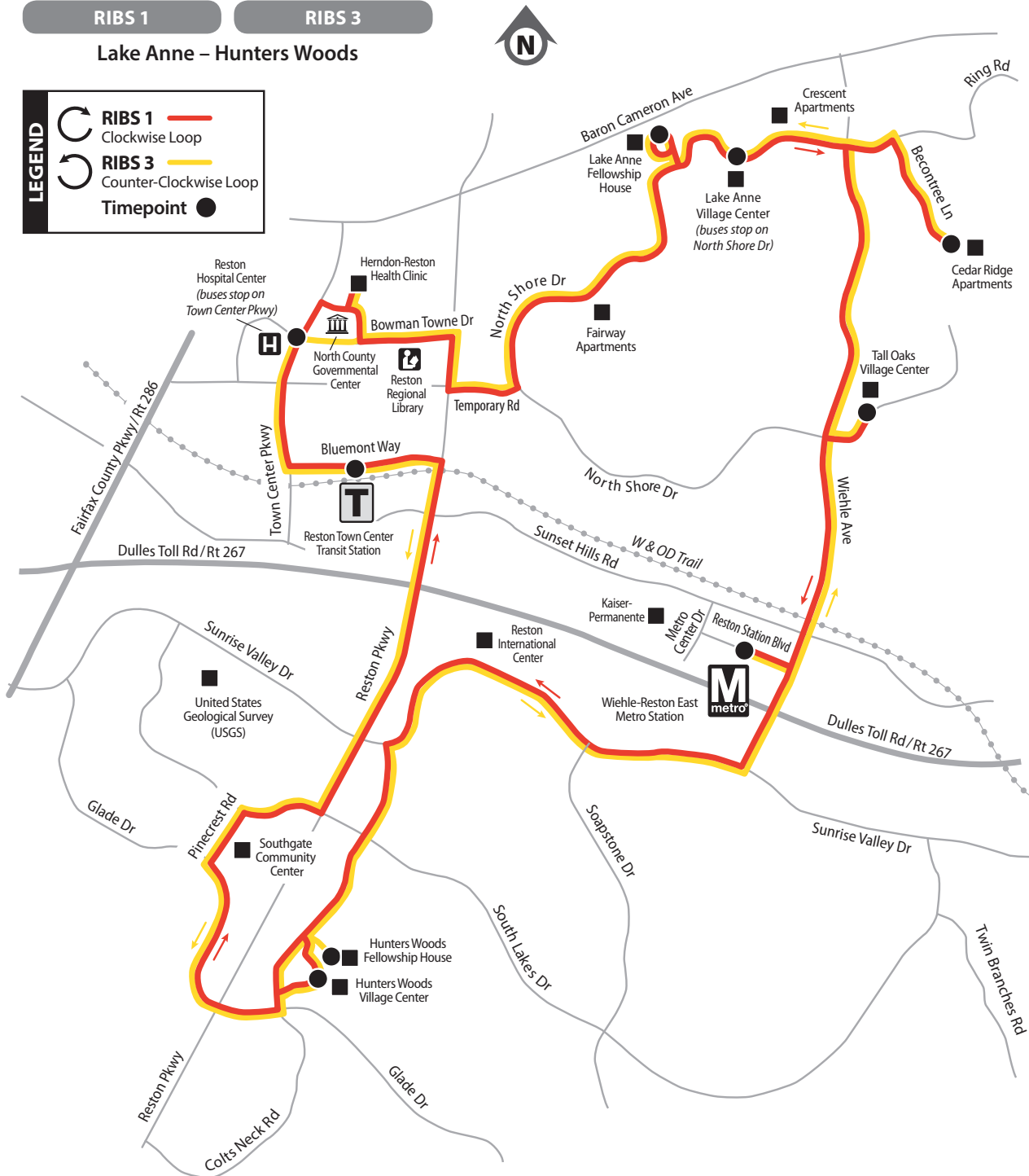
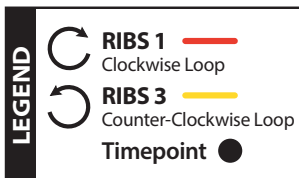
STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Dwayne Pelfrey, Division Chief, Transit Services Division, FCDOT
Michael Felschow, Planning Section Chief, Transit Services Division, (FCDOT)
Stuart Boggs, Senior Transportation Planner, Transit Services Division, (FCDOT)

RIBS 1

RIBS 3

Lake Anne – Hunters Woods



RIBS 1 • RIBS 3

Effective May 19, 2018

Lake Anne – Hunters Woods

Reston Town Center Transit Station • Lake Anne •
Tall Oaks • Wiehle-Reston East Metro Station •
Hunters Woods • Reston Hospital Center

Weekday, Saturday & Sunday Service



For fares and important information
about the bus system, see the brochure:

Fares, Policies & General Information



 703-339-7200

 TTY 703-339-1608

 @ffxconnector

 /fairfaxconnector

Fairfax County Department of Transportation (FCDOT) ensures nondiscrimination in all programs and activities in accordance with Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act (ADA). To request this information in an alternate format, contact FCDOT at 703-877-5600, TTY 711.

RIBS1-3_0518

RIBS 1 • RIBS 3 LAKE ANNE – HUNTERS WOODS

Reston Town Center Transit Station	Reston Hospital Center	Lake Anne Fellowship House	North Shore Dr at Lake Anne Village Center	Cedar Ridge Apartments	Tall Oaks Village Center	Wiehle-Reston East Metro Station (North side)	Hunters Woods Village Center	Reston Town Center Transit Station
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RIBS 1 Weekday – AM Service ☀

5:08	5:10	—	5:18	5:22	5:28	5:31	5:41	6:02
6:12	6:14	—	6:25	6:30	6:36	6:40	6:53	7:14
6:38	6:40	—	6:51	6:56	7:02	7:06	7:19	7:40
7:02	7:04	—	7:15	7:20	7:26	7:30	7:43	8:04
7:26	7:28	—	7:39	7:44	7:50	7:54	8:07	8:28
7:50	7:52	—	8:03	8:08	8:14	8:18	8:31	8:52
8:14	8:16	—	8:27	8:32	8:38	8:42	8:55	9:16
8:40	8:42	8:55	8:56	9:00	9:06	9:10	9:20	9:39
9:02	9:04	9:17	9:18	9:22	9:28	9:31	9:40	9:59
9:26	9:28	9:41	9:42	9:46	9:52	9:55	10:04	10:23
9:50	9:52	10:05	10:06	10:10	10:16	10:19	10:28	10:47
10:14	10:16	10:29	10:30	10:34	10:40	10:43	10:52	11:11
10:41	10:43	10:56	10:57	11:01	11:07	11:10	11:19	11:38
11:02	11:04	11:17	11:18	11:22	11:28	11:31	11:40	11:59
11:26	11:28	11:41	11:42	11:46	11:52	11:55	12:04 PM	12:23
11:50	11:52	12:05 PM	12:06	12:10	12:16	12:19	12:28	12:47

RIBS 1 Weekday – PM Service 🌙

12:14	12:16	12:29	12:30	12:34	12:40	12:43	12:52	1:11
12:41	12:43	12:56	12:57	1:02	1:09	1:12	1:21	1:40
1:02	1:04	1:17	1:18	1:23	1:30	1:33	1:42	2:01
1:26	1:28	1:41	1:42	1:47	1:54	1:57	2:06	2:25
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2:14	2:16	2:29	2:30	2:35	2:42	2:45	2:54	3:13
2:41	2:43	2:56	2:57	3:02	3:09	3:12	3:21	3:43
3:02	3:04	3:17	3:18	3:23	3:30	3:33	3:42	4:04
3:26	3:28	3:37	3:38	3:44	3:51	3:55	4:08	4:29
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4:14	4:16	—	4:26	4:32	4:39	4:43	4:56	5:17
4:40	4:42	—	4:52	4:58	5:05	5:09	5:22	5:43
5:02	5:04	—	5:14	5:20	5:27	5:31	5:44	6:05
5:26	5:28	—	5:38	5:44	5:51	5:55	6:08	6:29
5:52	5:54	—	6:04	6:10	6:17	6:21	6:34	6:55
6:14	6:16	—	6:26	6:32	6:39	6:43	6:56	7:17
6:40	6:42	—	6:52	6:58	7:05	7:09	7:22	7:43
7:04	7:06	—	7:17	7:22	7:29	7:32	7:41	7:58
7:28	7:30	—	7:41	7:46	7:53	7:56	8:05	8:22
7:54	7:56	—	8:07	8:12	8:19	8:22	8:31	8:48
8:30	8:32	—	8:43	8:48	8:55	8:58	9:07	9:24
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12:00 AM	12:02	—	12:12	12:17	12:23	12:26	12:34	12:47

Reston Town Center Transit Station	Hunters Woods Village Center	Hunters Woods Fellowship House	Wiehle-Reston East Metro Station (North side)	Tall Oaks Village Center	Cedar Ridge Apartments	North Shore Dr at Lake Anne Village Center	Lake Anne Fellowship House	Reston Hospital Center	Reston Town Center Transit Station
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RIBS 3 Weekday – AM Service ☀

5:08	5:21	—	5:35	5:43	5:48	5:52	—	6:04	6:08
6:12	6:26	—	6:41	6:49	6:54	6:58	—	7:10	7:14
6:38	6:52	—	7:07	7:15	7:20	7:24	—	7:36	7:40
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10:14	10:27	10:28	10:41	10:47	10:52	10:55	10:56	11:07	11:10
10:41	10:54	10:55	11:08	11:14	11:19	11:22	11:23	11:34	11:37
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11:26	11:39	11:40	11:53	11:59	12:04 PM	12:07	12:08	12:19	12:22
11:50	12:03 PM	12:04	12:17	12:23	12:28	12:31	12:32	12:43	12:46

RIBS 3 Weekday – PM Service 🌙

12:14	12:28	12:29	12:42	12:48	12:53	12:57	12:58	1:09	1:12
12:41	12:55	12:56	1:09	1:15	1:20	1:24	1:25	1:36	1:39
1:02	1:16	1:17	1:30	1:36	1:41	1:45	1:46	1:57	2:00
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11:00	11:10	—	11:22	11:27	11:32	11:35	—	11:44	11:47
12:00 AM	12:10	—	12:22	12:27	12:32	12:35	—	12:44	12:47

RIBS 1 • RIBS 3 LAKE ANNE – HUNTERS WOODS

Reston Town Center Transit Station	Reston Hospital Center	Lake Anne Fellowship House	North Shore Dr at Lake Anne Village Center	Cedar Ridge Apartments	Tall Oaks Village Center	Wiehle-Reston East Metro Station (North side)	Hunters Woods Village Center	Reston Town Center Transit Station
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RIBS 1 Saturday – AM Service ☀️								
6:10	6:12	—	6:21	6:25	6:31	6:35	6:41	6:54
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8:40	8:42	8:50	8:51	8:55	9:02	9:06	9:13	9:29
9:12	9:14	9:25	9:26	9:32	9:39	9:43	9:50	10:07
9:44	9:46	9:57	9:58	10:04	10:11	10:15	10:22	10:39
10:16	10:18	10:29	10:30	10:36	10:43	10:47	10:54	11:11
10:48	10:50	11:01	11:02	11:08	11:15	11:19	11:26	11:43
11:20	11:22	11:33	11:34	11:40	11:47	11:51	11:58	12:15 PM
11:52	11:54	12:05 PM	12:06	12:12	12:19	12:23	12:30	12:47

RIBS 1 Saturday – PM Service 🌙								
12:24	12:26	12:37	12:38	12:44	12:51	12:55	1:02	1:19
12:56	12:58	1:09	1:10	1:16	1:23	1:27	1:34	1:51
1:28	1:30	1:41	1:42	1:48	1:55	1:59	2:06	2:23
2:00	2:02	2:13	2:14	2:20	2:27	2:31	2:38	2:55
2:32	2:34	2:45	2:46	2:52	2:59	3:03	3:10	3:27
3:04	3:06	3:17	3:18	3:24	3:31	3:35	3:42	3:59
3:36	3:38	3:48	3:49	3:55	4:02	4:06	4:13	4:29
4:08	4:10	4:20	4:21	4:27	4:34	4:38	4:45	5:01
4:40	4:42	4:52	4:53	4:59	5:06	5:10	5:17	5:33
5:12	5:14	—	5:25	5:31	5:38	5:42	5:49	6:04
5:44	5:46	—	5:57	6:03	6:10	6:14	6:21	6:36
6:16	6:18	—	6:29	6:35	6:42	6:46	6:53	7:08
6:48	6:50	—	7:01	7:07	7:14	7:18	7:25	7:40
7:20	7:22	—	7:33	7:39	7:46	7:50	7:57	8:12
8:20	8:22	—	8:32	8:37	8:43	8:47	8:53	9:07
9:20	9:22	—	9:32	9:37	9:43	9:47	9:53	10:07
10:20	10:22	—	10:32	10:37	10:43	10:47	10:53	11:07
11:20	11:22	—	11:32	11:37	11:43	11:47	11:53	12:07 AM

Reston Town Center Transit Station	Hunters Woods Village Center	Hunters Woods Fellowship House	Wiehle-Reston East Metro Station (North side)	Tall Oaks Village Center	Cedar Ridge Apartments	North Shore Dr at Lake Anne Village Center	Lake Anne Fellowship House	Reston Hospital Center	Reston Town Center Transit Station
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RIBS 3 Saturday – AM Service ☀️									
6:10	6:20	—	6:29	6:35	6:40	6:44	—	6:55	6:57
6:40	6:50	—	6:59	7:05	7:10	7:14	—	7:25	7:27
7:10	7:20	—	7:29	7:35	7:40	7:44	—	7:55	7:57
7:40	7:50	—	7:59	8:05	8:10	8:14	—	8:25	8:27
8:08	8:18	—	8:27	8:33	8:38	8:42	—	8:53	8:55
8:40	8:53	8:54	9:05	9:11	9:16	9:20	9:21	9:33	9:35
9:12	9:25	9:26	9:37	9:43	9:48	9:52	9:53	10:05	10:07
9:44	9:57	9:58	10:09	10:15	10:20	10:24	10:25	10:37	10:39
10:16	10:29	10:30	10:41	10:47	10:52	10:56	10:57	11:09	11:11
10:48	11:01	11:02	11:13	11:19	11:24	11:28	11:29	11:41	11:43
11:20	11:33	11:34	11:45	11:51	11:56	12:00 PM	12:01	12:13	12:15
11:52	12:05 PM	12:06	12:17	12:23	12:28	12:32	12:33	12:45	12:47

RIBS 3 Saturday – PM Service 🌙									
12:24	12:37	12:38	12:49	12:55	1:00	1:04	1:05	1:17	1:19
12:56	1:09	1:10	1:21	1:27	1:32	1:36	1:37	1:49	1:51
1:28	1:41	1:42	1:53	1:59	2:04	2:08	2:09	2:21	2:23
2:00	2:13	2:14	2:25	2:31	2:36	2:40	2:41	2:53	2:55
2:32	2:45	2:46	2:57	3:03	3:08	3:12	3:13	3:25	3:27
3:04	3:17	3:18	3:29	3:35	3:40	3:44	3:45	3:57	3:59
3:36	3:49	3:50	4:00	4:06	4:11	4:15	4:16	4:27	4:29
4:08	4:21	4:22	4:32	4:38	4:43	4:47	4:48	4:59	5:01
4:40	4:53	4:54	5:04	5:10	5:15	5:19	5:20	5:31	5:33
5:12	5:25	—	5:36	5:42	5:47	5:51	—	6:03	6:05
5:44	5:57	—	6:08	6:14	6:19	6:23	—	6:35	6:37
6:16	6:29	—	6:40	6:46	6:51	6:55	—	7:07	7:09
6:48	7:01	—	7:12	7:18	7:23	7:27	—	7:39	7:41
7:20	7:33	—	7:44	7:50	7:55	7:59	—	8:11	8:13
8:20	8:30	—	8:39	8:45	8:49	8:53	—	9:04	9:06
9:20	9:30	—	9:39	9:45	9:49	9:53	—	10:04	10:06
10:20	10:30	—	10:39	10:45	10:49	10:53	—	11:04	11:06
11:20	11:30	—	11:39	11:45	11:49	11:53	—	12:04 AM	12:06

RIBS 1 • RIBS 3 LAKE ANNE – HUNTERS WOODS

Reston Town Center
Transit Station

Reston Hospital Center

Lake Anne
Fellowship House

North Shore Dr
at Lake Anne
Village Center

Cedar Ridge
Apartments

Tall Oaks
Village Center

Wiehle-Reston East
Metro Station
(North side)

Hunters Woods
Village Center

Reston Town Center
Transit Station

RIBS 1 Sunday – AM Service ☀️

6:10	6:12	—	6:22	6:25	6:31	6:35	6:41	6:54
7:10	7:12	—	7:22	7:25	7:31	7:35	7:41	7:54
8:10	8:12	—	8:22	8:25	8:31	8:35	8:41	8:54
9:10	9:12	9:21	9:22	9:26	9:32	9:36	9:42	9:56
9:44	9:46	9:57	9:58	10:04	10:11	10:15	10:22	10:39
10:16	10:18	10:29	10:30	10:36	10:43	10:47	10:54	11:11
10:48	10:50	11:01	11:02	11:08	11:15	11:19	11:26	11:43
11:20	11:22	11:33	11:34	11:40	11:47	11:51	11:58	12:15 PM
11:52	11:54	12:05 PM	12:06	12:12	12:19	12:23	12:30	12:47

RIBS 1 Sunday – PM Service 🌙

12:24	12:26	12:37	12:38	12:44	12:51	12:55	1:02	1:19
12:56	12:58	1:09	1:10	1:16	1:23	1:27	1:34	1:51
1:28	1:30	1:41	1:42	1:48	1:55	1:59	2:06	2:23
2:00	2:02	2:13	2:14	2:20	2:27	2:31	2:38	2:55
2:32	2:34	2:45	2:46	2:52	2:59	3:03	3:10	3:27
3:04	3:06	3:17	3:18	3:24	3:31	3:35	3:42	3:59
3:36	3:38	3:48	3:49	3:55	4:02	4:06	4:13	4:29
4:08	4:10	4:20	4:21	4:27	4:34	4:38	4:45	5:01
4:40	4:42	4:52	4:53	4:59	5:06	5:10	5:17	5:31
5:20	5:22	—	5:33	5:39	5:46	5:50	5:57	6:11
6:20	6:22	—	6:33	6:39	6:46	6:50	6:57	7:11
7:20	7:22	—	7:32	7:37	7:43	7:47	7:53	8:07
8:20	8:22	—	8:32	8:37	8:43	8:47	8:53	9:07
9:20	9:22	—	9:32	9:37	9:43	9:47	9:53	10:07

Reston Town Center
Transit Station

Hunters Woods
Village Center

Hunters Woods
Fellowship House

Wiehle-Reston East
Metro Station
(North side)

Tall Oaks
Village Center

Cedar Ridge
Apartments

North Shore Dr
at Lake Anne
Village Center

Lake Anne
Fellowship House

Reston Hospital Center

Reston Town Center
Transit Station

RIBS 3 Sunday – AM Service ☀️

6:10	6:20	—	6:29	6:35	6:40	6:44	—	6:55	6:57
7:10	7:20	—	7:29	7:35	7:40	7:44	—	7:55	7:57
8:10	8:20	—	8:29	8:35	8:40	8:44	—	8:55	8:57
9:10	9:20	9:21	9:30	9:36	9:41	9:45	9:46	9:57	9:59
9:44	9:57	9:58	10:09	10:15	10:20	10:24	10:25	10:37	10:39
10:16	10:29	10:30	10:41	10:47	10:52	10:56	10:57	11:09	11:11
10:48	11:01	11:02	11:13	11:19	11:24	11:28	11:29	11:41	11:43
11:20	11:33	11:34	11:45	11:51	11:56	12:00 PM	12:01	12:13	12:15
11:52	12:05 PM	12:06	12:17	12:23	12:28	12:32	12:33	12:45	12:47

RIBS 3 Sunday – PM Service 🌙

12:24	12:37	12:38	12:49	12:55	1:00	1:04	1:05	1:17	1:19
12:56	1:09	1:10	1:21	1:27	1:32	1:36	1:37	1:49	1:51
1:28	1:41	1:42	1:53	1:59	2:04	2:08	2:09	2:21	2:23
2:00	2:13	2:14	2:25	2:31	2:36	2:40	2:41	2:53	2:55
2:32	2:45	2:46	2:57	3:03	3:08	3:12	3:13	3:25	3:27
3:04	3:17	3:18	3:29	3:35	3:40	3:44	3:45	3:57	3:59
3:36	3:49	3:50	4:00	4:06	4:11	4:15	4:16	4:27	4:29
4:08	4:21	4:22	4:32	4:38	4:43	4:47	4:48	4:59	5:01
4:40	4:53	4:54	5:04	5:10	5:14	5:18	5:19	5:29	5:31
5:20	5:33	—	5:44	5:50	5:54	5:58	—	6:09	6:11
6:20	6:33	—	6:44	6:50	6:54	6:58	—	7:09	7:11
7:20	7:30	—	7:40	7:46	7:50	7:54	—	8:05	8:07
8:20	8:30	—	8:40	8:46	8:50	8:54	—	9:05	9:07
9:20	9:30	—	9:40	9:46	9:50	9:54	—	10:05	10:07

- Use exact fare; drivers do not carry change.
- Smoking, eating, drinking, and littering are strictly prohibited.

- Strollers must be folded.
- Use earphones with audio and video devices.

- Service animals are permitted on the bus. Other small animals are permitted only if transported in a closed pet carrier.

All Fairfax Connector buses are wheelchair accessible.

ROUTE 321

ROUTE 322

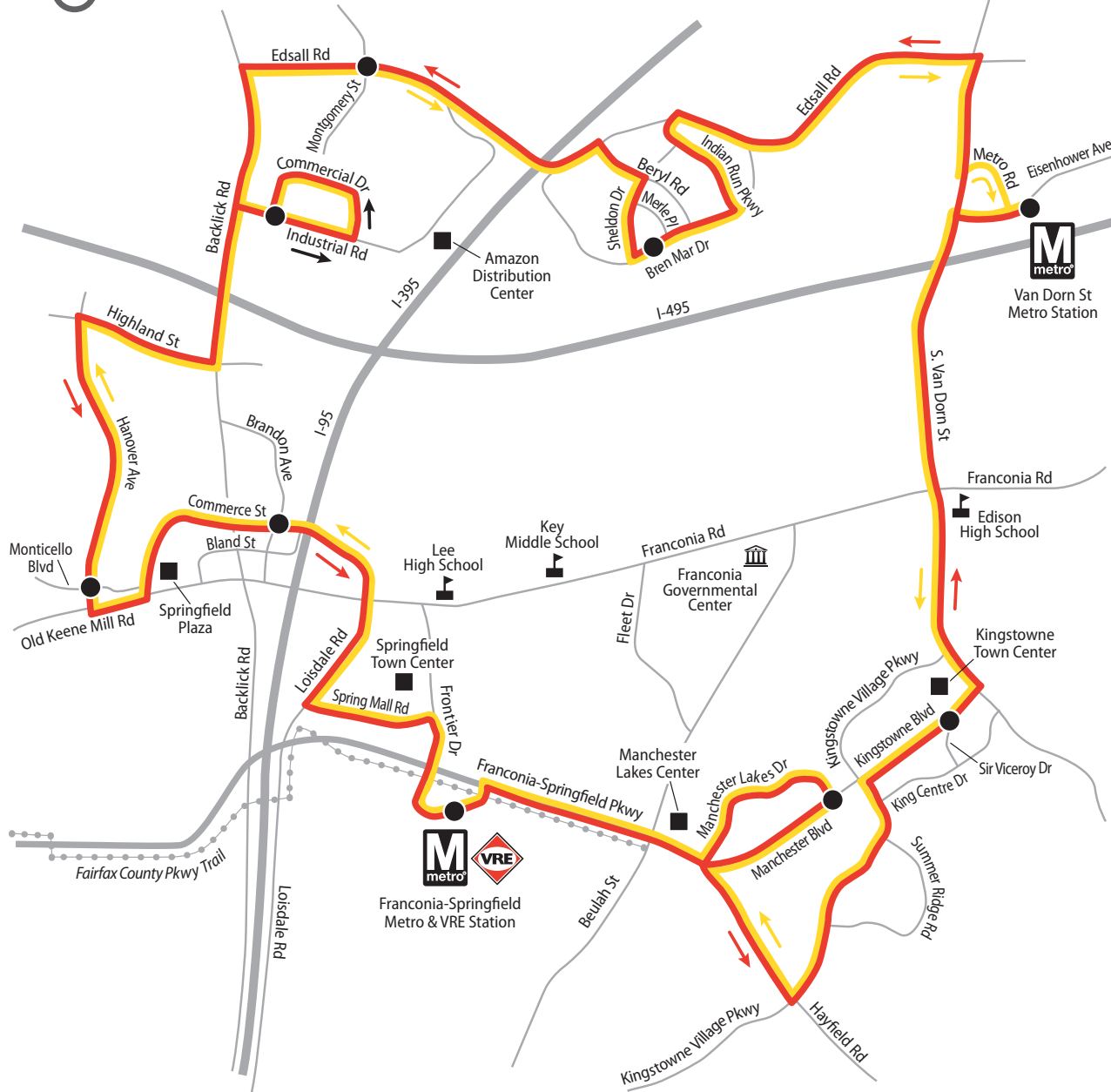
Greater Springfield Circulator



Route 321
Counter-Clockwise Loop

Route 322
Clockwise Loop

Timepoint



321 • 322

Effective May 19, 2018

Greater Springfield Circulator

Van Dorn Metro Station • Edison High School •
Kingstowne • Franconia-Springfield Metro Station •
Commerce St • Bren Mar Park • Edsall Rd

Weekday, Saturday & Sunday Service



For fares and important information
about the bus system, see the brochure:

Fares, Policies & General Information



FAIRFAX CONNECTOR

BusTracker

REAL-TIME SERVICE INFORMATION

fairfaxconnector.com

703-339-7200

TTY 703-339-1608

@ffxconnector

/fairfaxconnector

Fairfax County Department of Transportation (FCDOT) ensures nondiscrimination in all programs and activities in accordance with Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act (ADA). To request this information in an alternate format, contact FCDOT at 703-877-5600, TTY 711.

321-22_0518

321 • 322 GREATER SPRINGFIELD CIRCULATOR

 Van Dorn St Metro Station	Bren Mar Dr & Merle Pl	Edsall Rd & Montgomery St	Industrial Rd & Commercial Dr	Hanover Ave & Monticello Blvd	Commerce St & Brandon Ave	 Franconia-Springfield Metro Station	Manchester Lakes Dr & Manchester Blvd	Kingstowne Blvd & Sir Viceroy Dr	 Van Dorn St Metro Station
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 Van Dorn St Metro Station	Kingstowne Blvd & Sir Viceroy Dr	Manchester Lakes Dr & Manchester Blvd	 Franconia-Springfield Metro Station	Commerce St & Brandon Ave	Hanover Ave & Monticello Blvd	Industrial Rd & Commercial Dr	Edsall Rd & Montgomery St	Sheldon Dr & Bren Mar Dr	 Van Dorn St Metro Station
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321 Weekday – AM Service ☀

4:02	4:14	4:19	4:24	4:38	4:43	4:53	5:01	5:09	5:19
4:32	4:44	4:49	4:54	5:08	5:13	5:23	5:31	5:39	5:49
5:02	5:14	5:19	5:24	5:38	5:43	5:53	6:01	6:09	6:19
5:32	5:44	5:49	5:54	6:08	6:13	6:23	6:31	6:39	6:49
5:52	6:04	6:09	6:14	6:28	6:33	6:43	6:51	6:59	7:09
6:12	6:25	6:31	6:37	6:51	6:56	7:06	7:13	7:21	7:32
6:32	6:45	6:51	6:57	7:11	7:16	7:26	7:33	7:41	7:52
6:52	7:05	7:11	7:17	7:31	7:36	7:46	7:53	8:01	8:12
7:12	7:25	7:31	7:37	7:51	7:56	8:06	8:13	8:21	8:32
7:28	7:41	7:47	7:53	8:07	8:12	8:22	8:29	8:37	8:48
8:02	8:15	8:21	8:27	8:41	8:46	8:56	9:03	9:11	9:22
8:32	8:45	8:51	8:57	9:11	9:16	9:26	9:33	9:41	9:52
9:02	9:14	9:20	9:25	9:37	9:44	9:54	10:01	10:10	10:20
9:32	9:44	9:50	9:55	10:07	10:14	10:24	10:31	10:40	10:50
10:02	10:14	10:20	10:25	10:37	10:44	10:54	11:01	11:10	11:20
10:32	10:44	10:50	10:55	11:07	11:14	11:24	11:31	11:40	11:50
11:02	11:14	11:20	11:25	11:37	11:44	11:54	12:01 PM	12:10	12:20
11:32	11:44	11:50	11:55	12:07 PM	12:14	12:24	12:31	12:40	12:50

321 Weekday – PM Service 🌙

12:02	12:14	12:20	12:25	12:37	12:44	12:54	1:01	1:10	1:20
12:32	12:44	12:50	12:55	1:07	1:14	1:24	1:31	1:40	1:50
1:02	1:14	1:20	1:25	1:37	1:44	1:54	2:01	2:10	2:20
1:32	1:44	1:50	1:55	2:07	2:14	2:24	2:31	2:40	2:50
2:02	2:14	2:20	2:25	2:37	2:44	2:54	3:01	3:10	3:20
2:32	2:44	2:50	2:56	3:09	3:17	3:27	3:34	3:46	3:56
3:02	3:16	3:22	3:27	3:39	3:47	3:57	4:05	4:13	4:23
3:22	3:36	3:42	3:47	3:59	4:07	4:17	4:25	4:33	4:43
3:42	3:56	4:02	4:07	4:19	4:27	4:37	4:45	4:53	5:03
4:02	4:16	4:22	4:27	4:39	4:47	4:57	5:05	5:13	5:23
4:22	4:36	4:42	4:47	4:59	5:07	5:17	5:25	5:33	5:43
4:50	5:04	5:10	5:15	5:27	5:35	5:45	5:53	6:01	6:11
5:10	5:24	5:30	5:35	5:47	5:55	6:05	6:13	6:21	6:31
5:30	5:44	5:50	5:55	6:07	6:15	6:25	6:33	6:41	6:51
5:50	6:04	6:10	6:15	6:27	6:35	6:45	6:53	7:01	7:11
6:10	6:22	6:28	6:33	6:45	6:52	7:01	7:08	7:16	7:26
6:30	6:42	6:48	6:53	7:05	7:12	7:21	7:28	7:36	7:46
6:50	7:02	7:08	7:13	7:25	7:32	7:41	7:48	7:56	8:06
7:10	7:22	7:28	7:33	7:45	7:52	8:01	8:08	8:16	8:26
7:32	7:44	7:50	7:55	8:07	8:14	8:23	8:30	8:38	8:48
8:10	8:22	8:28	8:33	8:45	8:52	9:01	9:08	9:16	9:26
8:42	8:54	9:00	9:05	9:17	9:24	9:33	9:40	9:48	9:58
9:02	9:12	9:17	9:23	9:33	9:39	9:47	9:53	10:02	10:12
10:05	10:17	10:22	*	10:32	10:36	10:46	10:56	11:04	11:14
11:02	11:14	11:19	*	11:29	11:33	11:43	11:53	12:01 AM	12:11
12:02 AM	12:14	12:19	*	12:29	12:33	12:43	12:53	1:01	1:11

SERVICE NOTES

* Trips bypass Industrial Road and Commercial Drive.

322 Weekday – AM Service ☀

—	—	—	4:10	4:19	4:23	4:31	4:38	4:43	4:54
—	—	—	4:38	4:47	4:51	4:59	5:06	5:11	5:22
4:44	4:54	5:02	5:11	5:19	5:23	5:32	5:38	5:44	5:55
5:14	5:24	5:32	5:41	5:49	5:53	6:02	6:08	6:14	6:25
5:34	5:44	5:52	6:01	6:09	6:13	6:22	6:28	6:34	6:45
5:54	6:04	6:12	6:21	6:29	6:33	6:42	6:48	6:54	7:05
6:14	6:24	6:32	6:41	6:50	6:54	7:03	7:09	7:14	7:25
6:34	6:44	6:52	7:01	7:10	7:14	7:23	7:29	7:34	7:45
6:54	7:04	7:12	7:21	7:30	7:34	7:43	7:49	7:54	8:05
7:14	7:24	7:32	7:41	7:50	7:54	8:03	8:09	8:14	8:25
7:34	7:47	7:55	8:04	8:13	8:17	8:25	8:32	8:37	8:48
7:54	8:06	8:15	8:24	8:34	8:39	8:48	8:54	8:59	9:10
8:14	8:24	8:32	8:41	8:50	8:54	9:03	9:09	9:14	9:25
8:34	8:44	8:52	9:01	9:10	9:14	9:23	9:29	9:34	9:45
8:54	9:04	9:12	9:21	9:30	9:34	9:43	9:49	9:54	10:05
9:34	9:44	9:52	10:00	10:10	10:14	10:22	10:28	10:33	10:44
10:10	10:20	10:28	10:36	10:46	10:50	10:58	11:04	11:09	11:20
10:34	10:44	10:52	11:00	11:10	11:14	11:22	11:28	11:33	11:44
11:04	11:14	11:22	11:30	11:40	11:44	11:52	11:58	12:03 PM	12:14
11:34	11:44	11:52	12:00 PM	12:10	12:14	12:22	12:28	12:33	12:44

322 Weekday – PM Service 🌙

12:04	12:14	12:22	12:30	12:40	12:44	12:52	12:58	1:03	1:14
12:34	12:44	12:52	1:00	1:10	1:14	1:22	1:28	1:33	1:44
1:04	1:14	1:22	1:30	1:40	1:44	1:52	1:58	2:03	2:14
1:24	1:34	1:42	1:50	2:00	2:04	2:12	2:18	2:23	2:34
2:04	2:15	2:23	2:32	2:43	2:48	2:57	3:02	3:08	3:19
2:34	2:46	2:54	3:03	3:14	3:19	3:27	3:32	3:37	3:48
2:54	3:04	3:12	3:21	3:31	3:36	3:45	3:51	3:58	4:09
3:30	3:42	3:50	3:59	4:09	4:15	4:24	4:30	4:35	4:46
3:52	4:04	4:12	4:21	4:31	4:37	4:46	4:52	4:57	5:08
4:12	4:24	4:32	4:41	4:51	4:57	5:06	5:12	5:17	5:28
4:30	4:42	4:50	4:59	5:09	5:15	5:24	5:30	5:35	5:46
4:52	5:04	5:12	5:21	5:31	5:37	5:46	5:52	5:57	6:08
5:12	5:24	5:32	5:41	5:51	5:57	6:06	6:12	6:17	6:28
5:32	5:44	5:52	6:01	6:11	6:17	6:26	6:32	6:37	6:48
5:52	6:04	6:12	6:21	6:31	6:37	6:46	6:52	6:57	7:08
6:14	6:24	6:32	6:40	6:49	6:53	7:01	7:07	7:12	7:22
6:34	6:44	6:52	7:00	7:09	7:13	7:21	7:27	7:32	7:42
6:55	7:05	7:13	7:21	7:30	7:34	7:42	7:48	7:53	8:03
7:15	7:25	7:33	7:41	7:50	7:54	8:02	8:08	8:13	8:23
7:30	7:40	7:48	7:56	8:05	8:09	8:17	8:23	8:28	8:38
7:53	8:03	8:11	8:19	8:28	8:32	8:40	8:46	8:51	9:01
8:13	8:23	8:31	8:39	8:48	8:52	9:00	9:06	9:11	9:21
8:33	8:41	8:48	8:56	9:04	9:08	*	9:20	9:25	9:37
9:33	9:41	9:48	9:56	10:04	10:08	*	10:20	10:25	10:37
10:33	10:41	10:48	10:56	11:04	11:08	*	11:20	11:25	11:37
11:33	11:41	11:48	11:56	12:04 PM	12:08	*	12:20	12:25	12:37

SERVICE NOTES

* Trips bypass Industrial Road and Commercial Drive.

321 • 322 GREATER SPRINGFIELD CIRCULATOR

 Van Dorn St
Metro Station
Bren Mar Dr &
Merle Pl

Edsall Rd &
Montgomery St
Industrial Rd &
Commercial Dr

Hanover Ave &
Monticello Blvd
Commerce St &
Brandon Ave

 Franconia-Springfield
Metro Station

Manchester Lakes Dr &
Manchester Blvd

Kingstowne Blvd &
Sir Viceroy Dr

 Van Dorn St
Metro Station

 Van Dorn St
Metro Station

Kingstowne Blvd &
Sir Viceroy Dr

Manchester Lakes Dr &
Manchester Blvd

 Franconia-Springfield
Metro Station

Commerce St &
Brandon Ave

Hanover Ave &
Monticello Blvd

Industrial Rd &
Commercial Dr

Edsall Rd &
Montgomery St

Sheldon Dr &
Bren Mar Dr

 Van Dorn St
Metro Station

321 Saturday – AM Service ☀

5:04	5:11	5:20	5:27	5:37	5:41	5:50	5:56	6:03	6:16
6:04	6:11	6:20	6:27	6:37	6:41	6:50	6:56	7:03	7:16
6:35	6:42	6:51	6:58	7:08	7:12	7:21	7:27	7:34	7:47
7:04	7:11	7:20	7:27	7:37	7:41	7:50	7:56	8:03	8:16
7:35	7:42	7:51	7:58	8:08	8:12	8:21	8:27	8:34	8:47
8:05	8:12	8:21	8:28	8:38	8:42	8:51	8:57	9:04	9:17
8:35	8:42	8:51	8:58	9:08	9:12	9:21	9:27	9:34	9:47
9:05	9:12	9:21	9:28	9:38	9:42	9:51	9:57	10:04	10:17
9:35	9:42	9:51	9:58	10:08	10:12	10:21	10:27	10:34	10:47
10:05	10:12	10:21	10:28	10:38	10:42	10:51	10:57	11:04	11:17
10:35	10:42	10:51	10:58	11:08	11:12	11:21	11:27	11:34	11:47
11:05	11:12	11:21	11:28	11:38	11:42	11:51	11:57	12:04 PM	12:17
11:35	11:42	11:51	11:58	12:08 PM	12:12	12:21	12:27	12:34	12:47

321 Saturday – PM Service 🌙

12:05	12:12	12:21	12:28	12:38	12:42	12:51	12:57	1:04	1:17
12:35	12:42	12:51	12:58	1:08	1:12	1:21	1:27	1:34	1:47
1:05	1:12	1:21	1:28	1:38	1:42	1:51	1:57	2:04	2:17
1:35	1:42	1:51	1:58	2:08	2:12	2:21	2:27	2:34	2:47
2:05	2:12	2:21	2:28	2:38	2:42	2:51	2:57	3:04	3:17
2:35	2:42	2:51	2:58	3:08	3:12	3:21	3:27	3:34	3:47
3:05	3:12	3:21	3:28	3:38	3:42	3:51	3:57	4:04	4:17
3:35	3:42	3:51	3:58	4:08	4:12	4:21	4:27	4:34	4:47
4:05	4:12	4:21	4:28	4:38	4:42	4:51	4:57	5:04	5:17
4:35	4:42	4:51	4:58	5:08	5:12	5:21	5:27	5:34	5:47
5:05	5:12	5:21	5:28	5:38	5:42	5:51	5:57	6:04	6:17
5:35	5:42	5:51	5:58	6:08	6:12	6:21	6:27	6:34	6:47
6:05	6:12	6:21	6:28	6:38	6:42	6:51	6:57	7:04	7:17
6:35	6:42	6:51	*	7:05	7:09	7:18	7:24	7:31	7:44
7:05	7:12	7:21	*	7:35	7:39	7:48	7:54	8:01	8:14
7:35	7:42	7:51	*	8:05	8:09	8:18	8:24	8:31	8:44
8:05	8:12	8:21	*	8:35	8:39	8:48	8:54	9:01	9:14
9:05	9:12	9:21	*	9:35	9:39	9:48	9:54	10:01	10:14
10:05	10:12	10:21	*	10:35	10:39	10:48	10:54	11:01	11:14
11:05	11:12	11:21	*	11:35	11:39	11:48	11:54	12:01 AM	12:14

SERVICE NOTES

* Trips bypass Industrial Road and Commercial Drive.

322 Saturday – AM Service ☀

5:21	5:27	5:35	5:42	5:50	5:58	6:07	6:13	6:18	6:32
6:21	6:27	6:35	6:42	6:50	6:58	7:07	7:13	7:18	7:32
6:51	6:57	7:05	7:12	7:20	7:28	7:37	7:43	7:48	8:02
7:21	7:27	7:35	7:42	7:50	7:58	8:07	8:13	8:18	8:32
7:51	7:57	8:05	8:12	8:20	8:28	8:37	8:43	8:48	9:02
8:21	8:27	8:35	8:42	8:50	8:58	9:07	9:13	9:18	9:32
8:51	8:57	9:05	9:12	9:20	9:28	9:37	9:43	9:48	10:02
9:21	9:27	9:35	9:42	9:50	9:58	10:07	10:13	10:18	10:32
9:51	9:57	10:05	10:12	10:20	10:28	10:37	10:43	10:48	11:02
10:21	10:27	10:35	10:42	10:50	10:58	11:07	11:13	11:18	11:32
10:51	10:57	11:05	11:12	11:20	11:28	11:37	11:43	11:48	12:02
11:21	11:27	11:35	11:42	11:50	11:58	12:07	12:13	12:18	12:32
11:51	11:57	12:05	12:12	12:20	12:28	12:37	12:43	12:48	1:02

322 Saturday – PM Service 🌙

12:21	12:27	12:35	12:42	12:50	12:58	1:07	1:13	1:18	1:32
12:51	12:57	1:05	1:12	1:20	1:28	1:37	1:43	1:48	2:02
1:21	1:27	1:35	1:42	1:50	1:58	2:07	2:13	2:18	2:32
1:51	1:57	2:05	2:12	2:20	2:28	2:37	2:43	2:48	3:02
2:21	2:27	2:35	2:42	2:50	2:58	3:07	3:13	3:18	3:32
2:51	2:57	3:05	3:12	3:20	3:28	3:37	3:43	3:48	4:02
3:21	3:27	3:35	3:42	3:50	3:58	4:07	4:13	4:18	4:32
3:51	3:57	4:05	4:12	4:20	4:28	4:37	4:43	4:48	5:02
4:21	4:27	4:35	4:42	4:50	4:58	5:07	5:13	5:18	5:32
4:51	4:57	5:05	5:12	5:20	5:28	5:37	5:43	5:48	6:02
5:21	5:27	5:35	5:42	5:50	5:58	6:07	6:13	6:18	6:32
5:51	5:57	6:05	6:12	6:20	6:28	6:37	6:43	6:48	7:02
6:22	6:28	6:36	6:43	6:51	6:59	*	7:11	7:16	7:30
6:52	6:58	7:06	7:13	7:21	7:29	*	7:41	7:46	8:00
7:22	7:28	7:36	7:43	7:51	7:59	*	8:11	8:16	8:30
7:52	7:58	8:06	8:13	8:21	8:29	*	8:41	8:46	9:00
8:22	8:28	8:36	8:43	8:51	8:59	*	9:11	9:16	9:30
9:22	9:28	9:36	9:43	9:51	9:59	*	10:11	10:16	10:30
10:22	10:28	10:36	10:43	10:51	10:59	*	11:11	11:16	11:30
11:32	11:38	11:46	11:53	12:01 PM	12:09	*	12:21	12:26	12:40

SERVICE NOTES

* Trips bypass Industrial Road and Commercial Drive.

321 • 322 GREATER SPRINGFIELD CIRCULATOR

 Van Dorn St Metro Station	Bren Mar Dr & Merle Pl	Edsall Rd & Montgomery St	Industrial Rd & Commercial Dr	Hanover Ave & Monticello Blvd	Commerce St & Brandon Ave	 Franconia-Springfield Metro Station	Manchester Lakes Dr & Manchester Blvd	Kingstowne Blvd & Sir Viceroy Dr	 Van Dorn St Metro Station
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 Van Dorn St Metro Station	Kingstowne Blvd & Sir Viceroy Dr	Manchester Lakes Dr & Manchester Blvd	 Franconia-Springfield Metro Station	Commerce St & Brandon Ave	Hanover Ave & Monticello Blvd	Industrial Rd & Commercial Dr	Edsall Rd & Montgomery St	Sheldon Dr & Bren Mar Dr	 Van Dorn St Metro Station
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321 Sunday – AM Service ☀

5:03	5:10	5:19	5:26	5:36	5:40	5:49	5:55	6:02	6:15
6:03	6:10	6:19	6:26	6:36	6:40	6:49	6:55	7:02	7:15
7:03	7:10	7:19	7:26	7:36	7:40	7:49	7:55	8:02	8:15
8:03	8:10	8:19	8:26	8:36	8:40	8:49	8:55	9:02	9:15
9:03	9:10	9:19	9:26	9:36	9:40	9:49	9:55	10:02	10:15
10:03	10:10	10:19	10:26	10:36	10:40	10:49	10:55	11:02	11:15
11:03	11:10	11:19	11:26	11:36	11:40	11:49	11:55	12:02 PM	12:15

322 Sunday – AM Service ☀

5:24	5:30	5:38	5:45	5:53	6:01	6:10	6:16	6:21	6:35
6:24	6:30	6:38	6:45	6:53	7:01	7:10	7:16	7:21	7:35
7:24	7:30	7:38	7:45	7:53	8:01	8:10	8:16	8:21	8:35
8:24	8:30	8:38	8:45	8:53	9:01	9:10	9:16	9:21	9:35
9:24	9:30	9:38	9:45	9:53	10:01	10:10	10:16	10:21	10:35
10:24	10:30	10:38	10:45	10:53	11:01	11:10	11:16	11:21	11:35
11:24	11:30	11:38	11:45	11:53	12:01 PM	12:10	12:16	12:21	12:35

321 Sunday – PM Service 🌙

12:03	12:10	12:19	12:26	12:36	12:40	12:49	12:55	1:02	1:15
1:03	1:10	1:19	1:26	1:36	1:40	1:49	1:55	2:02	2:15
2:03	2:10	2:19	2:26	2:36	2:40	2:49	2:55	3:02	3:15
3:03	3:10	3:19	3:26	3:36	3:40	3:49	3:55	4:02	4:15
4:03	4:10	4:19	4:26	4:36	4:40	4:49	4:55	5:02	5:15
5:03	5:10	5:19	5:26	5:36	5:40	5:49	5:55	6:02	6:15
6:03	6:10	6:19	6:26	6:36	6:40	6:49	6:55	7:02	7:15
7:03	7:10	7:19	*	7:30	7:34	7:43	7:49	7:56	8:09
8:03	8:10	8:19	*	8:30	8:34	8:43	8:49	8:56	9:09
9:03	9:10	9:19	*	9:30	9:34	9:43	9:49	9:56	10:09
10:03	10:10	10:19	*	10:30	10:34	10:43	10:49	10:56	11:09
11:03	11:10	11:19	*	11:30	11:34	11:43	11:49	11:56	12:09 AM

322 Sunday – PM Service 🌙

12:24	12:30	12:38	12:45	12:53	1:01	1:10	1:16	1:21	1:35
1:24	1:30	1:38	1:45	1:53	2:01	2:10	2:16	2:21	2:35
2:24	2:30	2:38	2:45	2:53	3:01	3:10	3:16	3:21	3:35
3:24	3:30	3:38	3:45	3:53	4:01	4:10	4:16	4:21	4:35
4:24	4:30	4:38	4:45	4:53	5:01	5:10	5:16	5:21	5:35
5:24	5:30	5:38	5:45	5:53	6:01	6:10	6:16	6:21	6:35
6:24	6:30	6:38	6:45	6:53	7:01	7:10	7:16	7:21	7:35
7:24	7:30	7:38	7:45	7:53	8:01	8:10	8:16	8:21	8:35
8:24	8:30	8:38	8:45	8:53	9:01	*	9:14	9:19	9:33
9:24	9:30	9:38	9:45	9:53	10:01	*	10:14	10:19	10:33
10:24	10:30	10:38	10:45	10:53	11:01	*	11:14	11:19	11:33
11:24	11:30	11:38	11:45	11:53	12:01 AM	*	12:14	12:19	12:33

SERVICE NOTES

* Trips bypass Industrial Road and Commercial Drive.

SERVICE NOTES

* Trips bypass Industrial Road and Commercial Drive.

- Use exact fare; drivers do not carry change.
- Smoking, eating, drinking, and littering are strictly prohibited.

- Strollers must be folded.
- Use earphones with audio and video devices.

- Service animals are permitted on the bus. Other small animals are permitted only if transported in a closed pet carrier.

All Fairfax Connector buses are wheelchair accessible.

Board Agenda Item
May 15, 2018

10:20 a.m.

Matters Presented by Board Members

11:10 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Dwain Foltz v. Fairfax County*, Case No. 1:17-cv-939 (E.D. Va.)
 - 2. *Lakeview Loan Servicing LLC v. Laura Schlader, Fairfax County Redevelopment and Housing Authority, and Unit Owners Association of Legato Corner Condominiums*, Case No. CL-2017-0009611 (Fx. Co. Cir. Ct.) (Springfield District)
 - 3. *Erica M. Allen Winslow v. Ramona Simmons*, Case No. GV18-005771 (Fx. Co. Gen. Dist. Ct., Small Claims Division)
 - 4. *Leslie B. Johnson, Fairfax County Zoning Administrator v. James A. Martin, Jr.*, Case No. CL-2018-0001121 (Fx. Co. Cir. Ct.) (Braddock District)
 - 5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Morningwood Lane, LLC*, Case No. CL-2018-0004233 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 6. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Lucy W. Berkebile*, Case No. CL-2018-0000961 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 7. *Board of Supervisors of Fairfax County and James W. Patteson, Director of the Fairfax County Department of Public Works and Environmental Services v. Nirmaladevi Jayanthan and Jayanthan Balasubram, a/k/a Balasubram Jayanthan, Jayanthan Bala, Bala Jayanthan, and Jay Bala*, Case No. CL-2015-0008179 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Eaton Drive, LLC*, Case No. CL-2017-0005818 (Fx. Co. Cir. Ct.) (Dranesville District)

9. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Larissa Omelchenko Taran*, Case No. CL-2017-0011715 (Fx. Co. Cir. Ct.) (Hunter Mill District)
10. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Crystal Payne*, Case No. GV17-024296 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bruce A. Blackerby*, Case No. GV18-005577 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
12. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Hugh J. Milligan*, Case No. CL-2017-0017046 (Fx. Co. Cir. Ct.) (Lee District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Alvaro A. Cestti and Gladys A. Caballero*, Case No. CL-2018-0006123 (Fx. Co. Cir. Ct.) (Lee District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Martina Simpkins and Anthony Simpkins*, Case No. CL-2018-0002496 (Fx. Co. Cir. Ct.) (Lee District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Juan Carlos Aranibar Chinchilla, Rossemay Jeanneth Arnez Villarroel, and A&A Investment, LLC*, Case No. CL-2016-0006961 (Fx. Co. Cir. Ct.) (Lee District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Farhad Gulban*, Case No. GV18-007690 (Fx. Co. General Dist. Ct.) (Lee District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Brian K. Mason, Kenneth Norman Mason, and Bernice S. Mason*, Case No. GV18-007695 (Fx. Co. Gen. Dist. Ct.) (Lee District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Woolfrey*, Case Nos. GV18-006008 and GV18-006009 (Fx. Co. Gen. Dist. Ct.) (Lee District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rockley L. Miller and Susan B. Miller*, Case No. CL-2017-0010524 (Fx. Co. Cir. Ct.) (Mason District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Duane S. Whitney, Edward N. Whitney, Arthur M. Whitney, Pamela V. Whitney, Rhonda L. Whitney, Candace Alexander, and Jeanette Alexander*, Case No. CL-2007-0005644 (Fx. Co. Cir. Ct.) (Providence District)

21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Aster Dawit*, Case No. GV18-005636 (Fx. Co. Gen. Dist. Ct.) (Providence District)
22. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. MK Realty Investment, LLC*, Case No. CL-2017-0004156 (Fx. Co. Cir. Ct.) (Sully District)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Yuan Yao, Yuan Yao, Trustee of the Yuan Yao and Dachun Bao Revocable Living Trust, and Dachun Bao, Trustee of the Yuan Yao and Dachun Bao Revocable Living Trust*, Case No. CL-2016-0016196 (Fx. Co. Cir. Ct.) (Sully District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Issa M. Bannourah and Parastou Bannourah*, Case No. CL-2018-0002959 (Fx. Co. Cir. Ct.) (Sully District)
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lee Business Center, LLC, and Focus Fairfax, Inc., d/b/a IMP Fitness*, Case No. CL-2017-0014650 (Fx. Co. Cir. Ct.) (Sully District)
26. *Board of Supervisors of Fairfax County v. Mattress Warehouse, Inc.*, Case No. GV18-008683 (Fx. Co. Gen. Dist. Ct.) (Sully District)

Board Agenda Item
May 15, 2018

3:30 p.m.

Public Hearing on RZ 2017-HM-019 (TH Holding Company LLC) to Rezone from I-4 to I-4 to Permit a Hotel and Office Development with an Overall Floor Area Ratio of 0.67, Located on Approximately 4.82 Acres of Land (Hunter Mill District) (Concurrent with PCA 79-C-090-02, PCA 91-H-001 and SE 2017-HM-016)

and

Public Hearing on PCA 79-C-090-02 (TH Holding Company LLC) to Permit Deletion of Land Area from RZ 79-C-090, Located on Approximately 3.58 Acres of Land Zoned I-4 (Hunter Mill District) (Concurrent with PCA 91-H-001, RZ 2017-HM-019 and SE 2017-HM-016)

and

Public Hearing on PCA 91-H-001 (TH Holding Company LLC) to Permit Deletion of Land Area from RZ 91-H-001, Located on Approximately 1.24 Acres of Land Zoned I-4 (Hunter Mill District) (Concurrent with PCA 79-C-090-02, RZ 2017-HM-019 and SE 2017-HM-016)

and

Public Hearing on SE 2017-HM-016 (TH Holding Company LLC) to Permit a Hotel and Office Development and Increase Floor Area Ratio, Located on Approximately 4.82 Acres of Land Zoned I-4 (Hunter Mill District) (Concurrent with PCA 79-C-090-02, PCA 91-H-001 and RZ 2017-HM-019)

This property is located on North of Sunset Hills Road and West of Business Center Drive. Tax Map 18-3 ((8)) 10A1 (pt.).

This property is located at 1741 Business Center Drive, Reston, 20190. Tax Map 18-3 ((8)) 10A1.

The Board of Supervisors deferred this public hearing from the May 1, 2018 until May 15, 2018 at 3:30 p.m.

PLANNING COMMISSION RECOMMENDATION:

On May 3, 2018, the Planning Commission voted 11-0-1 (Commissioner Sargeant abstained) to recommend the following actions to the Board of Supervisors:

Board Agenda Item
May 15, 2018

- Approval of PCA 79-C-090-02;
- Approval of PCA 91-H-001;
- Approval of RZ 2017-HM-019, subject to the proffers dated May 2, 2018;
- Approval of SE 2017-HM-016, subject to the development conditions dated April 3, 2018; and
- Approval of a modification of Section 11-203 of the Zoning Ordinance for the loading space requirements to that shown on the GDP/SE plat.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-zoning/zoning-application-board-packages-fairfax-county-board-supervisors>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Angelica Gonzalez, Planner, DPZ

Board Agenda Item
May 15, 2018

3:30 p.m.

Public Hearing on RZ 2017-SP-029 (Christopher Land, LLC) to Rezone from R-1 to PDH-3 to Permit Residential Development with an Overall Density of 2.88 Dwelling Units per Acre and Approval of the Conceptual Plan, Located on Approximately 2.44 Acres of Land (Springfield District)

This property is located on the North side of Fairfax County Parkway approximately 350 feet East of its intersection with Seabrook Lane. Tax Map 97-2 ((1)) 6

The Board of Supervisors deferred this public hearing at the May 1, 2018, meeting until May 15, 2018 at 3:30 p.m.

PLANNING COMMISSION RECOMMENDATION:

On May 3, 2018, the Planning Commission voted 10-0-2 (Commissioners Sargeant and Niedzielski-Eichner abstained from the vote) to recommend to the Board of Supervisors approval of RZ 2017-SP-029 and the associated Conceptual Development Plan, subject to the proffers dated April 26, 2018.

In a related action, on May 3, 2018, the Planning Commission voted 10-0-2 (Commissioners Sargeant and Niedzielski-Eichner abstained from the vote) to approve FDP 2017-SP-029, subject to development conditions dated April 25, 2018.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-zoning/zoning-application-board-packages-fairfax-county-board-supervisors>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Bill Mayland, Planner, DPZ

Board Agenda Item
May 15, 2018

4:00 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Articles 8, 10, 18, and Appendix 2 – Minimum Required Rear Yard Coverage Limitations for Single-Family Detached Dwellings

ISSUE:

Zoning Ordinance § 10-103(3) provides that accessory structures and uses on single family detached lots may not cover more than 30% of the minimum required rear yard and there are limited mechanisms for obtaining relief from this restriction. The proposed amendment revises the minimum rear yard coverage limitations to provide options for increasing the by-right percentages of allowable coverage in R-Districts and P-Districts, including an option to exempt P-District lots below 5,000 square feet from the rear yard coverage provisions; to clarify how rear yard coverage is determined; to create a special permit option to increase coverage in R-Districts, and to make other editorial amendments.

PLANNING COMMISSION RECOMMENDATION:

On May 3, 2018, the Planning Commission voted to recommend to the Board of Supervisors adoption of the proposed Zoning Ordinance Amendment, to include the following options as set forth in the Staff Report and Memorandum dated April 26, 2018, to be effective at 12:01 a.m. on the day following adoption:

- A maximum permitted coverage of 30 percent in the minimum required rear yard of R-District lots. A maximum permitted coverage of 50 percent in the minimum required rear yard of P-District lots in excess of 5,000 square feet in land area; and
- With regard to lots of no more than 5,000 square feet in land area in P Districts, Option D as shown in the April 26, 2018 proposed text, which allows a maximum permitted coverage of 75 percent of the minimum required yard, unless otherwise specified on an approved development plan or in a proffered or development condition.

The Planning Commission also made a follow-on motion to direct staff to advertise four options concerning the P-District lots and staff's recommendation that a special permit be made available to increase the percentage of minimum rear yard coverage for lots in the P-District that are not subject to proffered yards, as outlined in the attached Memorandum and proposed text amendment.

A verbatim copy of the Planning Commission Report is enclosed as Attachment 3.

Board Agenda Item
May 15, 2018

RECOMMENDATION:

The County Executive recommendation will be provided at the June 5, 2018 public hearing.

TIMING:

Board authorization to advertise March 20, 2018; Planning Commission public hearing April 18, 2018 and May 3, 2018, at 7:30 p.m.; Board public hearing June 5, 2018, at 4:00 p.m.

BACKGROUND:

Sect. 10-103 of the Zoning Ordinance sets out the use limitations for all accessory uses and structures. Paragraph 3 states that: *“(a) all uses and structures accessory to single family detached dwellings, to include those extensions permitted by Sect. 2-412, shall cover no more than thirty (30) percent of the area of the minimum required rear yard.”* Currently, the only way to seek relief from this provision is through a variance request in the R-Districts or a Final Development Plan Amendment in P-Districts.

Staff often encounters plats and surveys of single-family detached residential properties showing accessory uses and structures that cover more than 30% of the minimum required rear yard. Most often, staff identifies violations of this provision when residents pursue other zoning approvals, apply for building permits, or attempt to resolve unrelated zoning violations. The most common accessory structures include sheds, detached garages, driveways, and swimming pools and their associated decking. In addition, it is also common to find a residential lot containing extensive patios and low-level decks, children's play equipment, and sports courts. These accessory uses are typically found in the rear yard and, cumulatively, they can easily cover more than 30% of the minimum required rear yard area. In order to allow residents to make sufficient use of their required minimum rear yard, in R-Districts, staff proposes establishing a special permit to allow such uses and structures to exceed the 30% requirement.

In P-Districts, lot sizes are typically much smaller than conventional R-Districts, which severely constrains the usable rear yard area. Increasing the usable space on lots in the P-Districts through a by-right increase in the permitted rear yard coverage would provide residents additional use of the rear portion of their property.

The proposed amendment would provide residents with increased flexibility in the use of their minimum required rear yards. It also would clarify longstanding Zoning Administrator interpretations regarding the calculation of the minimum required rear yard and make an editorial amendment regarding size limitations on children's playhouses.

The amendment would include the following changes:

- (1) An option to increase the maximum allowed by-right coverage limitation, from 30% up to 50%, for accessory structures and uses in conventional Residential Districts (R-Districts). However, staff recommends that the Board not increase the permitted rear yard coverage.
- (2) An option to increase, from 30% up to 60%, the maximum coverage allowed by right for accessory uses and structures within the minimum required rear yard of any lot exceeding 5,000 square feet and containing a single-family detached dwelling in the P-Districts; however, staff recommends that the Board increase the maximum permitted coverage to 50%. Staff has also provided four different options for the Board to consider regarding P-District lots in the Staff Memorandum, dated April 26, 2018, and its attached proposed Zoning Ordinance amendment.
- (3) Add a Group 9 Special Permit option to increase the percentage of coverage, up to 60%, of the minimum required rear yard for single-family detached dwellings in R-Districts and in the P-Districts for lots that are not subject to proffered yards. The proposed Sect. 8-926, entitled "Provisions for Increase in the Percentage of Minimum Required Rear Yard Coverage," would allow the BZA to approve a special permit, subject to additional standards, submission requirements, and conditions.
- (4) Amend Sect. 8-914 and Sect. 8-922 to revise the submission requirements for special permits requesting a reduction in yards to add a requirement to include the percentage that the minimum required rear yard is already covered with accessory structures and uses.
- (5) Clarify the Use Limitations for Accessory Uses contained in Par. 3 of Sect. 10-103 regarding what is included in coverage calculations.
- (6) Clarify how the minimum required rear yard is determined if the BZA approves a special permit or variance permitting a reduction of the minimum required yard.
- (7) Specify how to apply the required minimum rear yard for a lot within a P-District that is not subject to proffered rear yards.
- (8) Specify that an increase in the percentage of minimum rear yard coverage may be permitted with the approval of a special permit in R-Districts or, for lots located in a P-District, an amendment to the development plan.
- (9) Remove the language limiting a child's playhouse to 100 square feet of gross floor area.

Board Agenda Item
May 15, 2018

- (10) Establish a \$910 application fee for special permits and final development plan amendments to increase the percentage of coverage of the minimum required rear yard for single-family dwellings.
- (11) Amend Appendix 2, Illustrations, to add four plates clarifying coverage calculations as "Illustration 6."

A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 2.

REGULATORY IMPACT:

If adopted, it is anticipated that there will be a modest increase in the number of special permit applications filed. Review and processing of those special permit applications will be similar to those requesting reductions in the minimum required yards and can be managed using existing staff resources.

FISCAL IMPACT:

The proposed amendment adds a Group 9 Special Permit use, Sect. 8-926, "Provisions for Increase in the Percentage of Minimum Required Rear Yard Coverage." This special permit is proposed to be subject to a \$910 application filing fee. Similarly, development plan amendments to increase rear yard coverage on a lot with a single-family detached dwelling in a P-District will also be subject to a \$910 application fee. The \$910 fee is the same fee that is currently charged for a variance application for an increase in rear yard coverage. Therefore, the fiscal impact of this proposal is negligible.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report
Attachment 2 – Staff Memorandum, dated April 26, 2018
Attachment 3 – Planning Commission Verbatim Excerpt

STAFF:

Robert A. Stalzer, Deputy County Executive
Fred Selden, Director, Department of Planning and Zoning (DPZ)
Leslie B. Johnson, Zoning Administrator (DPZ)
Casey V. Judge, Senior Assistant to the Zoning Administrator (DPZ)

ASSIGNED COUNCIL:

Sara G. Silverman, Assistant County Attorney, Office of the County Attorney



**FAIRFAX
COUNTY**

STAFF REPORT

V I R G I N I A

PROPOSED ZONING ORDINANCE AMENDMENT

**Articles 8, 10, 18 and Appendix 2 - Minimum Required Rear Yard Coverage Limitations
for Single Family Detached Dwellings**

PUBLIC HEARING DATES

Planning Commission

April 18, 2018 at 7:30 p.m.

Board of Supervisors

May 15, 2018 at 4:00 p.m.

**PREPARED BY
ZONING ADMINISTRATION DIVISION
DEPARTMENT OF PLANNING AND ZONING
703-324-1314**

March 20, 2018

CVJ



Americans With Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice.
For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).

STAFF COMMENT

This proposed amendment is on the 2017 Priority 1 Zoning Ordinance Amendment Work Program. Staff initiated it in response to issues that regularly arise on residential properties with numerous or large accessory structures and uses located in the minimum required rear yard. Under the current Zoning Ordinance, accessory structures and uses may not occupy more than 30% of the minimum required rear yard by right. There are only limited mechanisms for requesting an increase in coverage. In a conventional residential district (R-District), a variance application requires stringent standards to be met. In a planned district (P-District), a Final Development Plan Amendment (FDPA) is required to increase the percentage of minimum required rear yard coverage. The Board has specifically asked staff to clarify how the 30% limitation within the minimum required rear yard was determined, to consider increasing the percentage of coverage permitted and potentially eliminate the requirement for certain sized lots, and to consider allowing modifications of the maximum lot coverage requirement in a rear yard to be approved by the Board of Zoning Appeals as a special permit.

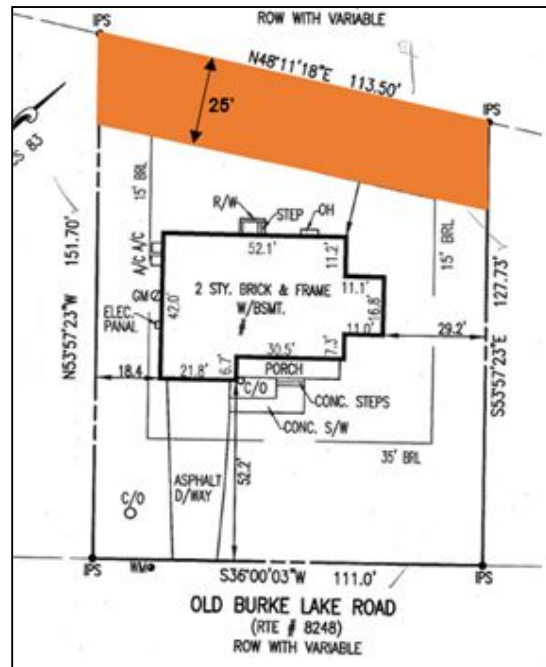
Background

The limitation on rear yard coverage serves two main purposes. First, it reduces the bulk impact of structures or uses on adjacent properties, thereby mitigating the intensity of visual “clutter” and noise occurring at the closest point to neighboring properties. Second, it limits the area covered by impervious structures or surfaces in the minimum required yard and thus limits the environmental impacts on adjacent property owners caused by stormwater runoff. Staff regularly encounters plats and surveys of single family detached residential properties showing accessory uses and structures that cover more than 30% of the minimum required rear yard. Most often, staff identifies violations of this provision when residents pursue other zoning approvals, apply for building permits, or attempt to resolve unrelated zoning violations. The most common accessory structures include sheds, detached garages, driveways, and swimming pools and their associated decking. In addition, it is also common to find a residential lot containing extensive patios and low-level decks, children’s play equipment, and sports courts. These accessory uses are typically found in the rear yard and, cumulatively, they can easily cover more than 30% of the minimum required rear yard area. Many of these types of structures do not require building permits, and homeowners are not always aware of the 30% coverage limitation.



Sect. 10-103 of the Zoning Ordinance contains the use limitations for all accessory uses and structures. Currently, Par. 3 states that: “*(a)ll uses and structures accessory to single family detached*

dwelling, to include those extensions permitted by Sect. 2-412, shall cover no more than thirty (30) percent of the area of the minimum required rear yard.” Article 20 of Zoning Ordinance defines the minimum required yard as *“that minimum distance which the principal building(s) shall be set back from the respective lot lines.”* Furthermore, the rear yard is defined as *“(a) yard extending across the full width of the lot and lying between the rear lot line of the lot and the principal building group.”* As such, this use limitation applies only to the area of the rear yard extending across the full width of the lot located between the rear lot line and the minimum required building setback line. As referenced in this illustration, the 25-foot minimum required yard (which is the rear yard requirement on most conventional R-District lots) is the area where accessory uses and structures are counted towards coverage. The rear yard requirement is often referred to as the building setback line.

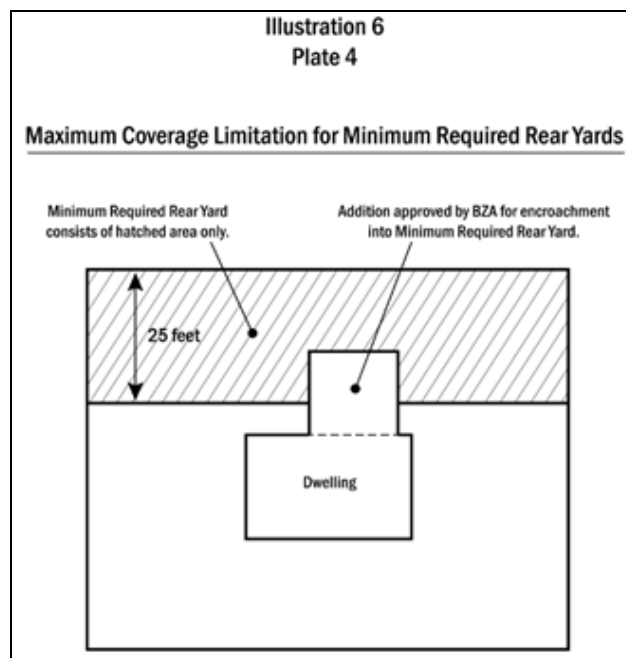


Currently, for family detached dwellings, accessory uses and structures located within the minimum required yard cannot cover more than 30% of this area, but they may cover any area in the rear yard that is not located within the minimum required rear yard, i.e., that area outside the minimum required yard and between the rear plane of the residence. The only way to seek relief from this provision is through a variance request in the R-Districts or a Final Development Plan Amendment in P-Districts.

There are three main areas of difficulty in applying Par. 3 of Sect. 10-103 of the Zoning Ordinance to individual lots. First, there are no specific, codified guidelines as to what constitutes rear yard coverage under Par. 3 of Sect. 10-103. Historically, the Zoning Administrator has dealt with these questions through interpretations. Clearly, footprints of accessory structures, paved or other solid surfaces, and permitted extensions such as eaves, decks, and uncovered stoops outlined in Sect. 2-412 of the Ordinance are specifically included in the current provisions. It has been less clear, however, as to what extent materials and delineations of certain uses, such as a larger mulched area containing children’s play equipment, should be considered in coverage calculations. Further the Zoning Administrator has determined that areas clearly delineated for an accessory use are counted towards the coverage calculation. Under longstanding Zoning Administrator interpretations, the entirety of the delineated area would be counted towards coverage calculations. Lastly, the Zoning Administrator has determined that permanently designated sports courts occurring on natural yard surfaces, such as grass or dirt, would also be included in coverage calculations if they were designed with associated structures, markers, or boundaries.

Second, the impact on rear yard coverage of a special permit or variance approval that reduces the minimum rear yard requirement for a lot is not well understood. When the BZA grants an approval to

allow a portion of a dwelling to extend into the rear yard, the overall setback used to determine the coverage area affected by Par. 3 of Sect. 10-103 does not change. The Zoning Administrator has determined that the calculation is still made on the *full minimum required rear yard* for the applicable zoning district, regardless of the reduced rear yard setback approved by the BZA for a particular addition. As a result, the portion of the dwelling approved to extend into the minimum required rear yard is automatically counted towards the 30% maximum coverage area. As illustrated in the above graphic, a special permit was granted for an addition to encroach into the 25-foot required minimum rear yard. Again, under current interpretation, the area of the residence encroaching into the rear yard would be counted towards rear yard coverage despite BZA approval. In such a case, the BZA approval allows encroachment of the structure into the *existing* minimum required rear yard; it does not establish a new minimum required rear yard. The proposed amendment would codify this interpretation.



Third, there are inconsistencies in the relief mechanism for the 30% maximum coverage provisions available to residential properties, depending on whether they are located in a P-District or R-District. Properties developed with single-family detached dwellings in P-Districts may seek permission to exceed the coverage limitation through approval of a Final Development Plan Amendment (FDPA) by the Planning Commission or a Proffered Condition Amendment (PCA) by the Board of Supervisors (Board). However, for residential property owners located in conventional residential zoning districts, the only relief available is BZA approval of a variance, which requires much higher standards for approval than an FDPA or PCA. As prescribed by Sect. 15.2-2309 of the Virginia Code, Sect. 18-404 of the Zoning Ordinance states that the BZA, among other criteria, can approve a variance only when strict application of the Zoning Ordinance “*would unreasonably restrict the utilization of the subject property, or the granting of the variance would alleviate a hardship due to a physical condition relating to the subject property or improvements thereon at the time of the effective date of the Ordinance.*” Thus, a variance cannot be granted for a structure or use

on a property, if such is not necessary for the reasonable use of the lot as a whole. In the case of most accessory structures, such as a shed or a swimming pool, this is a difficult standard to meet

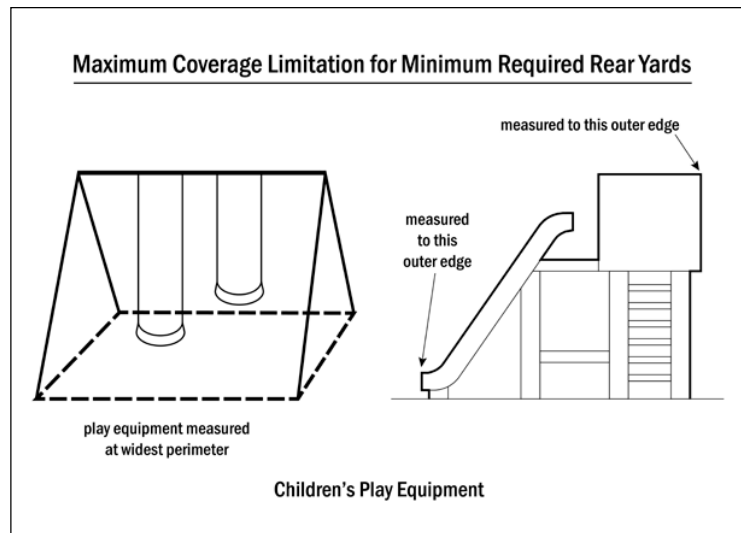
Proposed Amendment

First, the amendment clarifies accessory uses or structures included in the percentage of rear yard coverage. The next step of the amendment will determine what percentage of required minimum rear yard coverage will be regulated. Staff recommends regulating rear yard coverage in two different ways depending on whether the residential lot is located in an R-District or within a P-District. In the conventional R-Districts, staff has advertised a range of the by-right coverage from 30% to 50%. In addition, the amendment proposes a special permit application that will allow R-District homeowners to increase rear yard coverage up to 60%, but only with approval of a special permit from the BZA. In the P-Districts, the amendment proposes to increase the by-right coverage permitted within the minimum required rear yard up to 60%. In addition, staff proposes to exempt P-District lots under 5,000 square feet from this provision.

Clarification on how Coverage is Determined

In order to change, codify, and clarify the interpretations discussed in the Background section of this report, this amendment would clarify how rear yard coverage is determined. As previously discussed, Par. 3 of Sect. 10-103 simply states *“All uses and structures accessory to single family detached dwellings, to include those extensions permitted by Sect. 2-412, shall cover no more than thirty (30) percent of the minimum required rear yard.”* Included in the proposed amendment are detailed descriptions of the structures that are counted towards coverage and how they are to be measured. For example, under the proposed amendment, detached accessory structures would be measured at the perimeter area of the outermost horizontal extensions of the equipment, structure, or surface. Along with text clarification, the amendment includes four new graphics to increase understanding for staff and applicants. These graphics will be added to Appendix 2 – Illustrations, of the Zoning Ordinance.

In addition, the amendment proposes to clarify which permitted extensions allowed pursuant to Sect. 2-412 of the Zoning Ordinance are to be included in the maximum rear yard coverage. Staff believes that extensions from the dwelling that touch the ground, such as patios, ground level decks, and chimneys, should be included in the calculation of minimum required rear yard coverage. However, staff does not believe that elevated



structures, such as eaves, bay windows, and raised decks should be included in the rear yard coverage calculation. As proposed, projections from the principal dwelling that touch the ground are counted towards coverage but those that do not are specifically excluded from the coverage calculations.

In addition, as previously discussed, the area around children's play equipment included in the rear yard coverage calculation has been interpreted to include the entirety of the play area if there is a delineated space, such as a mulched area enclosed by railroad ties. The amendment differs from this interpretation such that this area would not be counted towards the required minimum rear yard coverage, as the soft-landing material is pervious and will not have stormwater runoff impacts. Therefore, as proposed, the perimeter around the outermost horizontal boundaries of the play equipment will be the only portion counted towards the required minimum rear yard coverage calculation.

R-Districts

In conventional R-Districts, staff has advertised a range of percentages for the Board to consider. The range allows the percentage of minimum yard coverage to remain at the current 30% coverage limitation or to increase up to a maximum of 50% coverage permitted by-right. In addition, staff has included a special permit option to allow individual homeowners to seek increases beyond the 30% limitation. However, anything beyond 60% of coverage would require approval of a variance by the BZA, as is the current practice. Staff believes that 60% is an appropriate maximum coverage to be requested in the conventional zoning districts, as it would allow for additional accessory uses and structures on a case-by-case basis. With BZA approval and the imposition of development conditions to mitigate any potential impacts, this process allows for additional flexibility while also ensuring that adjacent property owners are protected from overly intense uses of rear yards. A new Section 8-926, entitled "Modification of the Minimum Required Rear Yard Limitation," would be added to include additional standards applied by the BZA.

Staff recommends that the Board maintain the 30% rear yard coverage limitation and allow individual homeowners to apply for a special permit if they seek an increase beyond 30% coverage, as it allows for a public process to review each unique scenario, as well as provides the adjacent property owners with an opportunity for input. During the initial outreach process with the Board, staff originally had recommended increasing the permitted rear yard coverage to 40%, as this would allow a majority of the recent variance applications to avoid going through the variance and public hearing process. However, during these outreach efforts, the Board as well as some community groups raised concerns regarding the stormwater impacts of increasing by-right coverage in conventional R-Districts.

In response to these concerns, staff reached out to Stormwater Planning and Wastewater Management, who conducted a review of potential impacts of this increase. Following their analysis, they recommended that the by-right coverage *not* be increased in the conventional R-Districts. With the stormwater analysis showing that allowing up to 50% rear yard coverage by right in conventional R-District lots would contribute to additional drainage complaints and property damage, staff believes the by-right rear yard coverage should remain at 30% for R-Districts. However, stormwater staff would support increasing the allowable minimum required rear yard coverage in P-Districts,

along with the exemption of P-District lots smaller than 5,000 square feet. In addition, stormwater staff supported the special permit process, as this would allow site-specific stormwater solutions to be recommended and implemented, along with development conditions requiring on-site stormwater detention. Creating a special permit to request an increase in the R-Districts would allow an increase in rear yard coverage on a case-by-case basis with review and mitigating development conditions from the BZA.

Urban Forest Management staff also shared concerns regarding the potential impacts of an increase in by-right rear yard coverage in conventional districts both during and after the conclusion of the development process. Most tree preservation areas are in the rear portion of lots. Increasing the ability to encroach into the required minimum rear yard could substantially reduce the amount of preserved canopy coverage for individual lots and subdivisions. Specifically, there is the potential for an increase in requests to deviate from the tree preservation target set out in the Tree Conservation Ordinance, with the submission of site plans or infill lot grading plans. In discussions with Urban Forestry staff, a special permit application would permit the imposition of development conditions requiring sufficient screening and tree preservation on-site.

P-Districts

The amendment proposes to increase the by-right rear yard coverage limitation from 30% to 50% in P-Districts; however, a range of up to 60% is advertised to provide the Board with additional flexibility. Single-family detached dwellings within P-Districts are frequently located on smaller lots than those within conventional districts, and those lots typically have significantly smaller minimum required rear yards. In certain instances, the required minimum rear yard area is so small that no accessory structures or hard surfaces may be constructed without exceeding the 30% limitation. Therefore, staff recommends that P-District lots below 5,000 square feet be exempt from the minimum required rear yard coverage limitation. This design flexibility is justified in conjunction with the open space and amenities located within common spaces throughout a P-District development, as part of the approved rezoning. Staff finds that limiting these small P-District lots to 30% of rear yard coverage is overly restrictive and leaves little practical use of the required minimum rear yard area.

As part of this amendment, staff was asked to research alternative exemptions for the P-District lots other than ones based on individual lot size. One option considered was to exempt a subdivision if the average lot size was under 5,000 square feet in size. Staff reviewed P-District rezoning cases from 1978 to 2016 and found that of the cases researched, over half of the Final Development Plans did not include any metrics related to average lot sizes, and most of these were approved prior to 2002. With these applications, to determine the average lot size, the homeowner or County staff would have to calculate average lot size for the entire subdivision, which can be complicated if dedication of land area or boundary line adjustments have been made over time. Such a process is extremely time consuming and confusing for the average homeowner. In addition, while researching subdivisions that are zoned PDH with an average lot size of 5,000 square feet, the minimum lot size fell extremely far below the 5,000-square-foot lot size exemption, while the maximum lot size was well above the 5,000-square-foot exemption. For example, in the Briarwood Terrace subdivision, the smallest lot within the development was 3,443 square feet in size; the largest lot was 7,567 square

feet in size. Staff is concerned about the potential impacts of lots as large as 7,567 square feet being exempt from the limitation based on the average square-footage of the entire subdivision.

Staff also reviewed the option of averaging the lot sizes with the adjacent lots to exempt the subject property if the average surrounding lot size was below 5,000 square feet. As with the subdivision average lot size approach, this also would require the homeowner or County staff to calculate average lot size for the properties and would entail the same complications. Given this research, staff finds the 5,000-square-foot exemption for an individual lot to be the most appropriate measure.

Staff also assessed the feasibility of providing an “administrative approval” option where a property owner could request approval for lots that exceed the 5,000-square-foot exemption by no more than 10% (or up to 5,500 square feet). During the Board’s authorization hearing, it requested that staff advertise this option for the Planning Commission and Board to consider.

While staff is proposing an increase in the by-right maximum coverage up to 50% or 60% in the P-Districts, it is noted that any coverage calculations exceeding the approved amount could continue to be addressed through a Final Development Plan Amendment.

Editorial Amendment

In addition to the proposed language addressing minimum required rear yard coverage limitations, an additional editorial item is proposed in Par. 5 of Sect. 10-102 regarding children’s playhouses. Staff proposes removing the limitation of 100 square feet of gross floor area for children’s playhouses. Many other enclosed accessory structures, such as doghouses and gazebos, are permitted as accessory uses without such size limitations. Staff does not consider this limitation to serve a purpose, as such structures would be subject to all other considerations for accessory structures including remaining subordinate to the principal dwelling, meeting the location regulations, and meeting the minimum required rear yard coverage limitations.

Special Permit Fee and Submission Requirements

Staff recommends a \$910 filing fee for this new special permit application. This is equal to the established filing fee for requesting reductions in minimum required yards as permitted by Par. 1 of Sect. 8-922 and to the fee charged for a variance application. In addition, staff proposes similar submission requirements for this special permit as the ones established for the reduction in minimum required yards.

Additionally, the amendment would modify the submission requirements for special permits requesting a reduction in yards under Sect. 8-914 and Sect. 8-922, to require applicants to include a calculation of the minimum required rear yard coverage. Because problems with existing lot coverage are frequently discovered when applicants request other zoning approvals, this would ensure that staff is provided with a calculation of coverage so that it may identify issues up front. Staff could then direct applicants to resolve issues through simultaneous special permit requests. Staff notes that when multiple special permit types are requested concurrently, only the highest filing fee applies.

Conclusion

The proposed Zoning Ordinance amendment would give owners of single-family detached residential property additional options to seek relief for accessory uses and structures placed within the minimum required rear yard. While the proposed amendment provides for the Board to consider an increase in the by-right required minimum rear yard coverage from 30% up to 50% in R-Districts, due to stormwater concerns staff has recommended that the coverage remain at 30% in the R-Districts. Staff also recommends that the Board create a new special permit option that will allow homeowners to request relief for increased rear yard coverage through a special permit application rather than through a variance. With a special permit application process, the BZA would review such requests to increase coverage on a case-by-case basis and would be able to impose development conditions to mitigate potential impacts. In P-Districts, for lots greater than 5,000 square feet, the by-right coverage percentage would be increased from 30% rear yard coverage to as much as 60%. Lots below 5,000 square feet would be exempt from these coverage limitations. This amendment would also further clarify what is included in the minimum required rear yard coverage calculations. Therefore, staff recommends approval of the proposed amendment with an effective date of 12:01 a.m. on the day following adoption.

PROPOSED AMENDMENT

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of March 20, 2018, and there may be other proposed amendments that could affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment. If any such other amendment is adopted before this amendment, any necessary renumbering or editorial revisions will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

1 Amend Article 8, Special Permits, Part 9, Group 9 Uses Requiring Special Regulation, as
2 follows:

3
4 - Amend Sect. 8-901, Group 9 Special Permit Uses, by adding a new Par. 25 to read as
5 follows:

6
7 25. Increase in the percentage of minimum required rear yard coverage for single family
8 detached dwellings.

9
10 - Amend Sect. 8-914, Provisions for Approval of Reduction to the Minimum Yard
11 Requirements based on Error in Building Location, by adding a new Par. 1L to read as
12 follows:

13
14 1. Notwithstanding Par. 2 of Sect. 011 above, all applications ~~shall~~ must be
15 accompanied by ten (10) copies of a plat and such plat ~~shall~~ must be presented on a
16 sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat.
17 Such plat ~~shall~~ must be drawn to a designated scale of not less than one inch equals
18 fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development.
19 Such plat ~~shall~~ must be certified by a professional engineer, land surveyor, architect, or
20 landscape architect licensed by the State of Virginia and such plat ~~shall~~ must contain
21 the following information:

22
23 L. A calculation showing the percentage of the minimum required rear yard that is
24 covered with any accessory use and structure, in accordance with Par. 3 of Sect.
25 10-103.

26
27 - Amend Sect. 8-922, Provisions for Reduction of Certain Yard Requirements, by adding a
28 new Par. 11N to read as follows:

29
30 11. Notwithstanding Par. 2 of Sect. 011 above, all applications ~~shall~~ must be
31 accompanied by fifteen (15) copies of a plat and such plat ~~shall~~ must be presented on a
32 sheet having a maximum size of 24" x 36," and one 8 ½" x 11" reduction of the plat.
33 Such plat ~~shall~~ must be drawn to a designated scale of not less than one inch equals
34 fifty feet (1" = 50'), unless a smaller scale is required to accommodate the
35 development. Such plat ~~shall~~ must be certified by a professional engineer, land

surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat ~~shall~~ must contain the following information:

- N. A calculation showing the percentage of the minimum required rear yard that is covered with any accessory use and structure, in accordance with Par. 3 of Sect. 10-103.

- **Add new Sect. 8-926, to read as follows:**

8-926 Provisions for Increase in the Percentage of Minimum Required Rear Yard Coverage

The BZA may approve a special permit to allow an increase in the percentage of coverage of the minimum required rear yard on a lot developed with a single family detached dwelling, subject to the following:

1. This approval will allow no more than 60 percent of the minimum required rear yard to be covered by any accessory structure and use.
2. All accessory structures and uses located on the property must be clearly subordinate in purpose, scale, use, and intent to the principal dwelling.
3. The BZA determines that the existing or proposed accessory structures and uses on the property are harmonious with the surrounding off-site uses and structures in terms of the location, height, bulk, and scale of the surrounding structures, topography, existing vegetation, and the preservation of trees.
4. The BZA determines that the existing or proposed accessory structures and uses on the property will not adversely impact the use or enjoyment of any adjacent property.
5. The BZA determines that the proposed increase in the minimum rear yard coverage is appropriate to accommodate the existing or proposed accessory structures and uses on the lot. Specific factors to be considered include, but are not limited to, the location of the dwelling on the lot; the shape of the lot and its yards; the layout of existing or proposed accessory structures and uses; the availability of alternate locations for the existing or proposed accessory structures and uses outside of the minimum required rear yard; the characteristics of the site, including the presence of steep slopes, floodplains, or Resource Protection Areas; the preservation of existing vegetation and significant trees; the location of a well and/or septic field; the location of easements; and the preservation of historic resources.
6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to, limitations on the maximum sizes or specific locations of existing or proposed accessory structures and uses, and landscaping or screening requirements.
7. Notwithstanding Par. 2 of Sect. 011 above, all applications must be accompanied by fifteen (15) copies of a plat, and such plat must be presented on a sheet having a

1 maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat must
 2 be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'),
 3 unless a smaller scale is required to accommodate the development. Such plat must be
 4 certified by a professional engineer, land surveyor, architect, or landscape architect
 5 licensed by the State of Virginia. Such plat must contain the following information:
 6

- 7 A. Boundaries of the entire property, with bearings and distances of the perimeter
 8 property lines, and of each zoning district.
 9
- 10 B. Total area of the property and of each zoning district in square feet or acres.
 11
- 12 C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the
 13 plat and on all supporting graphics.
 14
- 15 D. The location, dimension and height of the principal dwelling, including any
 16 extension; and the location, dimension and height of any existing or proposed
 17 accessory structure or use. For decks, the height of the finished floor above
 18 finished ground level, and for eaves, the height of the eave from finished ground
 19 level.
 20
- 21 E. All required minimum yards to include front, side and rear; a graphic depiction of
 22 the angle of bulk plane, if applicable; and the distance from each existing or
 23 proposed structure to lot lines.
 24
- 25 F. A calculation showing the percentage of the minimum required rear yard that is
 26 covered with existing and/or proposed accessory uses and structures, in
 27 accordance with Par. 3 of Sect. 10-103.
 28
- 29 G. Means of ingress and egress to the property from a public street(s).
 30
- 31 H. If applicable, the location of a well and/or septic field.
 32
- 33 I. Location of any existing utility easement having a width of twenty-five (25) feet
 34 or more, and all major underground utility easements regardless of width.
 35
- 36 J. The location, type and height of any existing and proposed landscaping and
 37 screening.
 38
- 39 K. Approximate delineation of any floodplain designated by the Federal Emergency
 40 Management Agency, United States Geological Survey, or Fairfax County; the
 41 delineation of any Resource Protection Area or Resource Management Area; the
 42 approximate delineation of any environmental quality corridor as defined in the
 43 adopted comprehensive plan; and, if applicable, the distance of any existing or
 44 proposed structure from the floodplain, Resource Protection Area and Resource
 45 Management Area, or environmental quality corridor.
 46
- 47 L. Seal and signature of professional person certifying the plat.
 48

Amend Article 10, Accessory Uses, Accessory Service Uses, and Home Occupations, Part 1, Accessory Uses and Structures as follows:

- Amend the introductory paragraph and Par. 5 of Sect. 10-102, Permitted Accessory Uses, as follows:

Accessory uses and structures ~~shall~~ may include, but are not limited to, the following uses and structures; ~~that~~ any such use or structure ~~shall~~ must be in accordance with the definition of Accessory Use contained in Article 20.

5. Child's playhouse, ~~not to exceed 100 square feet in gross floor area,~~ and play equipment.

- Amend Par. 3 of Sect. 10-103, Use Limitations, as follows:

3. ~~All uses and structures accessory to single family detached dwellings, to include those extensions permitted by Sect. 2 412, shall cover no more than thirty (30) percent of the minimum required rear yard. The following limitations on coverage of the minimum required rear yard apply to any lot developed with a single family detached dwelling:~~

A. All accessory structures and uses may cumulatively cover no more than:

- (1) 30 percent *[Advertised range is from 30 to 50 percent; however, staff has recommended that coverage remain at 30 percent]* of the minimum required rear yard on any lot located in an R-District; or
- (2) 50 percent *[Advertised range is from 30 to 60 percent]* of the minimum required rear yard on any lot located in a P-District and containing more than 5000 square feet of land area, unless otherwise specified on an approved development plan or in a proffered or development condition. There is no coverage limit for a lot located in a P-District and containing no more than 5000 square feet of land area. *[Advertised to allow an administrative exemption from the rear yard coverage restriction for any such P-District lot that measures up to 10% larger than 5,000 square feet.]*

B. The minimum required rear yard coverage includes the following:

- (1) Any fully or partially roofed freestanding accessory structure, such as a garage, shed, gazebo, and other similar structure, including any horizontal projection. (Reference Plate 1 of Illustration 6 in Appendix 2);
- (2) Any other freestanding accessory structure, including any children's play equipment, sports court, pool and associated decking, and any other similar structure measured around the perimeter of the outermost horizontal extensions of the equipment, structure, or surface (Reference Plate 2 of Illustration 6 in Appendix 2);
- (3) Any horizontal projection from the principal dwelling that touches the ground, such as a chimney, stair, stoop, HVAC equipment, patio, deck and other similar projection. However, any horizontal projection from the principal dwelling which

1 does not touch the ground (other than the support posts for a deck), including an
 2 eave, bay window, open deck, or other similar projection is not included in the
 3 minimum required rear yard coverage (Reference Plate 3 of Illustration 6 in
 4 Appendix 2);

5
 6 (4) Any driveway, parking space, walkway and sidewalk greater than 5 feet in width,
 7 regardless of the surface or edging material used.

8
 9 C. Any portion of the principal dwelling that receives approval to encroach into the
 10 minimum required rear yard is not included in the minimum required rear yard
 11 calculation (Reference Plate 4 of Illustration 6 in Appendix 2).

12
 13 D. For the purposes of this provision, for any single family detached lot in a P-District that
 14 is not subject to a proffered condition establishing minimum rear yards, the required
 15 minimum rear yard will be governed by the regulations of that conventional residential
 16 zoning district which most closely characterizes the given development.

17
 18 E. An increase in the percentage of minimum rear yard coverage may be permitted in
 19 accordance with the provisions of Part 9 of Article 8 for lots located in an R-District or
 20 with approval of an amendment to the development plan for lots located in a P-District.

21 **Amend Article 18, Administration, Amendments, Violations and Penalties, Part 1,**
 22 **Administration, to read as follows:**

23
 24 - **Revise Sect. 106, Applications and Zoning Compliance Letter Fees:**

25
 26 - **Amend Par. 1, Group 9 Special Permit entries, as follows:**

27
 28 1. Application for a variance, appeal, special permit or special exception:

29 Application for a:

30 Group 9 special permit

31 Open air produce stand \$1810

32 Accessory dwelling unit; modification to the limitations on \$435

33 the keeping of animals

34 Increase in fence and/or wall height in any front yard on a \$435

35 single family dwelling lot

36 Increase in fence and/or wall height in any front yard on all \$2500

37 other uses

38 Modification to minimum yard requirements for R-C lots \$185

39 Error in building location; reduction of certain yard \$910

40 requirements on a single family dwelling lot; modification of

41 minimum yard requirements for certain existing structures

42 and uses; certain additions to an existing single family

detached dwelling when the existing dwelling extends into a
 minimum required yard by more than fifty (50) percent
 and/or is closer than five (5) feet to a lot line; noise barriers
 on a single residential lot; modification of grade for single
 family detached dwellings; increase in the percentage of minimum
 required rear yard coverage for single family detached dwellings

Reduction of certain yard requirements on all other uses	\$8180
All other uses	\$16375

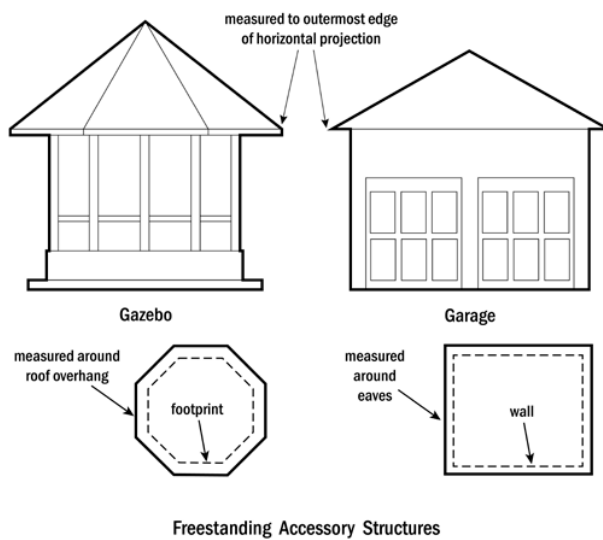
- Amend Par. 2, Application for an amendment to the Zoning Map entries, as follows:

- Amendments to a previously approved proffered condition and/or development plan, final development plan, conceptual development plan, PRC plan or concurrent conceptual/final development plan for:
 - Increase in fence and/or wall height on a single family lot \$435
 - A reduction of certain yard requirements on a single family lot; or \$910
 - Increase in coverage limitation for minimum required rear yards \$910
 - Increase in fence and/or wall height on all other uses; or \$2500
 - A reduction of certain yard requirements on all other uses; or \$8180
 - The addition of or modification to an independent living facility \$1100
for low income tenants.

Amend Appendix 2, Illustrations, to add the following Illustration 6, Plates 1-4, as follows:

Illustration 6
Plate 1

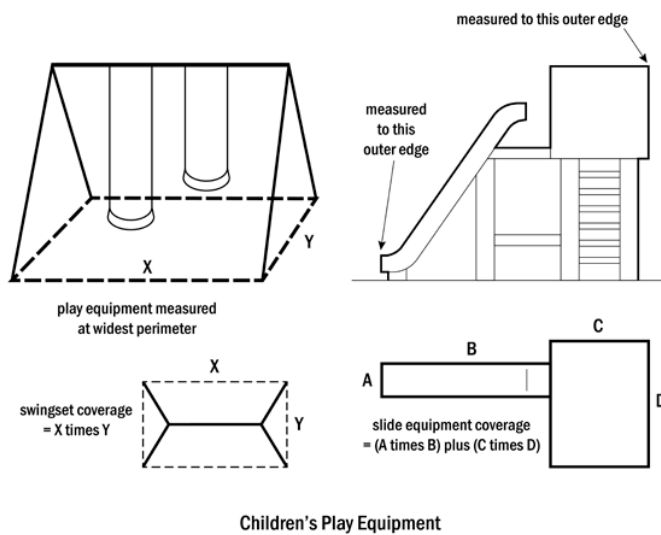
Coverage Limitation for Minimum Required Rear Yards



1

Illustration 6
Plate 2

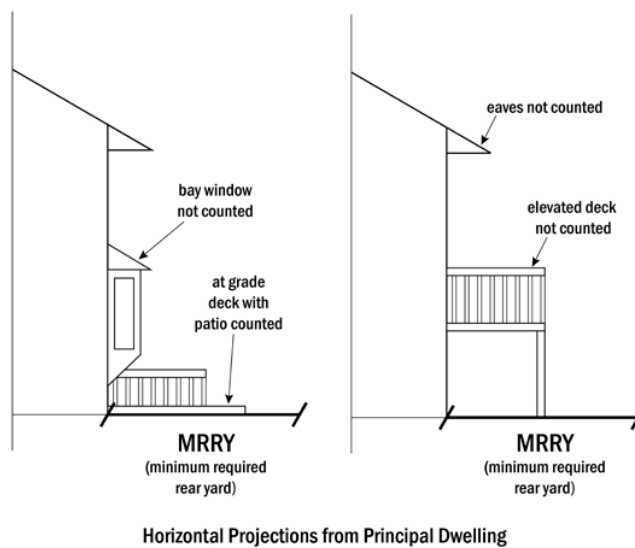
Coverage Limitation for Minimum Required Rear Yards



2

Illustration 6
Plate 3

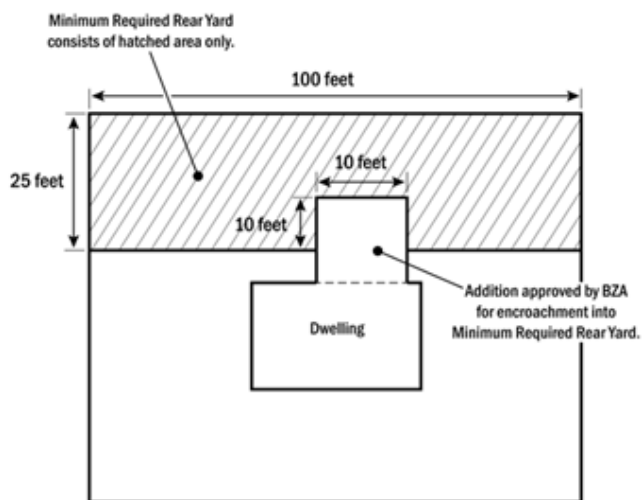
Coverage Limitation for Minimum Required Rear Yards



1

Illustration 6
Plate 4

Coverage Limitation for Minimum Required Rear Yards



Minimum Required Rear Yard area = (25 times 100) minus (10 times 10) = 2500 sf minus 100 sf = 2400 sf

Minimum Required Rear Yard with Previously Approved Encroachment Excluded

2



County of Fairfax, Virginia

MEMORANDUM

DATE: April 26, 2018

TO: Peter F. Murphy, Chairman
Members, Fairfax County Planning Commission

FROM: Casey Judge, Senior Assistant to the Zoning Administrator
Zoning Administration Division

SUBJECT: Revised Text for Minimum Required Rear Yard Coverage Limitations for
Single Family Detached Dwellings Ordinance Amendment
Planning Commission Decision-Only – May 3, 2018

On March 20, 2018, the Board of Supervisors authorized advertisement of a proposed Zoning Ordinance amendment to revise the restrictions on lot coverage in the minimum required rear yards of single-family detached dwellings. Among other things, that amendment would exempt P-District lots of no more than 5,000 square feet from any restriction on the amount of coverage in their rear yards. As a part of its authorization, the Board directed staff to craft proposed text creating an additional administrative exemption for P-District lots that were slightly greater in size than 5,000 square-feet.

On March 27, 2018, staff published its report for the proposed Zoning Ordinance amendment regarding rear yard coverage. As a part of this report, staff noted that it was working on crafting the requested text. During subsequent conversations, however, uniformity concerns were identified regarding the standards to be applied to such an administrative exemption. As such, staff does not recommend an administrative exemption for P-District lots.

At the Planning Commission's April 18, 2018, public hearing on this proposed amendment, Commissioners expressed concerns regarding any exemption of P-District lots from the rear yard coverage limitations. Staff originally advertised a range of by-right percentages for all P-District lots over 5,000 square feet, but it was requested that staff also propose a range of options to consider regarding P-District lots no larger than 5,000 square feet. The following details the different options staff has developed:

Option A:

This option is staff's recommendation of a maximum rear yard coverage of 50% [advertised range of 30-60%] for P-District lots larger than 5,000 square feet. Staff also recommends that P-District lots of no more than 5,000 square feet be exempt from lot coverage regulations. This option would not require re-advertising prior to the Board of Supervisors' hearing.

Option B:

Option B applies the 30-60% [advertised range] coverage limitation to all P-District lots, without exempting lots of 5,000 square feet or less in size. Staff suggests that a 50% maximum be applied. This option also would not require re-advertisement prior to the Board of Supervisors' hearing.

Option C:

Option C proposes a sliding scale for P-District lots that are slightly larger than the 5,000-square-foot threshold. The Planning Commission briefly discussed this option at its April 18 hearing. In this sliding scale, a range of percentages are proposed depending on the lot size. For example, a lot of 5,101 square feet would be permitted 80% coverage within its required minimum rear yard. This option would require re-advertising prior to the Board of Supervisors' hearing. An example of the sliding scale for lot sizes and percentage ranges is included below:

Lot Size	Max. Rear Yard Coverage
Up to 5,000 SF	100%
5,001–5,100 SF	90%
5,101–5,200 SF	80%
5,201–5,300 SF	70%
5,301–5,400 SF	60%
5,401 or more SF	50%

Option D:

The final option proposes the 30-60% limitation for P-District lots exceeding 5,000 square feet but allows a 75% coverage limitation on those lots of 5,000 square feet or less. This option would require re-advertisement prior to the Board of Supervisors' hearing.

In addition to the noted options above, the revised text also clarifies Part 3E of Section 10-103, which allows the approval of a FDPA or by a Special Permit on P-District lots.

In conclusion, Staff continues to recommend Option A with an increase in the by-right percentage of coverage to 50% on the P-District lots and an exemption from the coverage requirements for all such lots of no more than 5,000 square feet. In addition, the proposal regarding conventional R Districts has remained unchanged with staff recommending the by-right percentage remain at 30% and a Special Permit option be created for applicants requesting up to 60% of rear yard coverage.

Please contact me at 703-324-1314 with any further questions.

CVJ

April 26, 2018
Page 3

Attachment: Proposed text dated April 26, 2018

PROPOSED AMENDMENT
Revised April 26, 2018

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of March 20, 2018, and there may be other proposed amendments that could affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment. If any such other amendment is adopted before this amendment, any necessary renumbering or editorial revisions will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

*Changes to the proposed text contained in the Staff Report (dated March 20, 2018) are shown with strikethrough and **shaded italics**.*

1 Amend Article 8, Special Permits, Part 9, Group 9 Uses Requiring Special Regulation, as
2 follows:

3
4 - Amend Sect. 8-901, Group 9 Special Permit Uses, by adding a new Par. 25 to read as
5 follows:

6
7 25. Increase in the percentage of minimum required rear yard coverage for single family
8 detached dwellings.

9
10 - Amend Sect. 8-914, Provisions for Approval of Reduction to the Minimum Yard
11 Requirements based on Error in Building Location, by adding a new Par. 1L to read as
12 follows:

13
14 1. Notwithstanding Par. 2 of Sect. 011 above, all applications ~~shall~~ must be
15 accompanied by ten (10) copies of a plat and such plat ~~shall~~ must be presented on a
16 sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat.
17 Such plat ~~shall~~ must be drawn to a designated scale of not less than one inch equals
18 fifty feet (1" = 50'), unless a smaller scale is required to accommodate the
19 development. Such plat ~~shall~~ must be certified by a professional engineer, land
20 surveyor, architect, or landscape architect licensed by the State of Virginia and such
21 plat ~~shall~~ must contain the following information:

22
23 L. A calculation showing the percentage of the minimum required rear yard that is
24 covered with any accessory use and structure, in accordance with Par. 3 of
25 Sect. 10-103.

26
27 - Amend Sect. 8-922, Provisions for Reduction of Certain Yard Requirements, by adding a
28 new Par. 11N to read as follows:

29
30 11. Notwithstanding Par. 2 of Sect. 011 above, all applications ~~shall~~ must be
31 accompanied by fifteen (15) copies of a plat and such plat ~~shall~~ must be presented on
32 a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat.

Such plat ~~shall~~ must be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat ~~shall~~ must be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat ~~shall~~ must contain the following information:

- N. A calculation showing the percentage of the minimum required rear yard that is covered with any accessory use and structure, in accordance with Par. 3 of Sect. 10-103.

- **Add new Sect. 8-926, to read as follows:**

8-926 Provisions for Increase in the Percentage of Minimum Required Rear Yard Coverage

The BZA may approve a special permit to allow an increase in the percentage of coverage of the minimum required rear yard on a lot developed with a single family detached dwelling, subject to the following:

1. This approval will allow no more than 60 percent of the minimum required rear yard to be covered by any accessory structure and use.
2. All accessory structures and uses located on the property must be clearly subordinate in purpose, scale, use, and intent to the principal dwelling.
3. The BZA determines that the existing or proposed accessory structures and uses on the property are harmonious with the surrounding off-site uses and structures in terms of the location, height, bulk, and scale of the surrounding structures, topography, existing vegetation, and the preservation of trees.
4. The BZA determines that the existing or proposed accessory structures and uses on the property will not adversely impact the use or enjoyment of any adjacent property.
5. The BZA determines that the proposed increase in the minimum rear yard coverage is appropriate to accommodate the existing or proposed accessory structures and uses on the lot. Specific factors to be considered include, but are not limited to, the location of the dwelling on the lot; the shape of the lot and its yards; the layout of existing or proposed accessory structures and uses; the availability of alternate locations for the existing or proposed accessory structures and uses outside of the minimum required rear yard; the characteristics of the site, including the presence of steep slopes, floodplains, or Resource Protection Areas; the preservation of existing vegetation and significant trees; the location of a well and/or septic field; the location of easements; and the preservation of historic resources.
6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to, limitations on the maximum sizes or specific locations of existing or proposed accessory structures and uses, and landscaping or screening requirements.

- 1
2 7. Notwithstanding Par. 2 of Sect. 011 above, all applications must be accompanied by
3 fifteen (15) copies of a plat, and such plat must be presented on a sheet having a
4 maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat must
5 be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'),
6 unless a smaller scale is required to accommodate the development. Such plat must be
7 certified by a professional engineer, land surveyor, architect, or landscape architect
8 licensed by the State of Virginia. Such plat must contain the following information:
9
10 A. Boundaries of the entire property, with bearings and distances of the perimeter
11 property lines, and of each zoning district.
12
13 B. Total area of the property and of each zoning district in square feet or acres.
14
15 C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the
16 plat and on all supporting graphics.
17
18 D. The location, dimension and height of the principal dwelling, including any
19 extension; and the location, dimension and height of any existing or proposed
20 accessory structure or use. For decks, the height of the finished floor above
21 finished ground level, and for eaves, the height of the eave from finished ground
22 level.
23
24 E. All required minimum yards to include front, side and rear; a graphic depiction
25 of the angle of bulk plane, if applicable; and the distance from each existing or
26 proposed structure to lot lines.
27
28 F. A calculation showing the percentage of the minimum required rear yard that is
29 covered with existing and/or proposed accessory uses and structures, in
30 accordance with Par. 3 of Sect. 10-103.
31
32 G. Means of ingress and egress to the property from a public street(s).
33
34 H. If applicable, the location of a well and/or septic field.
35
36 I. Location of any existing utility easement having a width of twenty-five (25) feet
37 or more, and all major underground utility easements regardless of width.
38
39 J. The location, type and height of any existing and proposed landscaping and
40 screening.
41
42 K. Approximate delineation of any floodplain designated by the Federal Emergency
43 Management Agency, United States Geological Survey, or Fairfax County; the
44 delineation of any Resource Protection Area or Resource Management Area; the
45 approximate delineation of any environmental quality corridor as defined in the
46 adopted comprehensive plan; and, if applicable, the distance of any existing or
47 proposed structure from the floodplain, Resource Protection Area and Resource
48 Management Area, or environmental quality corridor.

L. Seal and signature of professional person certifying the plat.

Amend Article 10, Accessory Uses, Accessory Service Uses, and Home Occupations, Part 1, Accessory Uses and Structures as follows:

- Amend the introductory paragraph and Par. 5 of Sect. 10-102, Permitted Accessory Uses, as follows:

Accessory uses and structures ~~shall~~ may include, but are not limited to, the following uses and structures; ~~that~~ any such use or structure ~~shall~~ must be in accordance with the definition of Accessory Use contained in Article 20.

5. Child's playhouse, ~~not to exceed 100 square feet in gross floor area,~~ and play equipment.

- Amend Par. 3 of Sect. 10-103, Use Limitations, as follows:

3. ~~All uses and structures accessory to single family detached dwellings, to include those extensions permitted by Sect. 2-412, shall cover no more than thirty (30) percent of the minimum required rear yard. The following limitations on coverage of the minimum required rear yard apply to any lot developed with a single family detached dwelling:~~

A. All accessory structures and uses may cumulatively cover no more than:

(1) 30 percent *[Advertised range is from 30 to 50 percent; however, staff has recommended that coverage remain at 30 percent]* of the minimum required rear yard on any lot located in an R District; or

Option A:

(2) 50 percent *[Advertised range is from 30 to 60 percent]* of the minimum required rear yard on any lot located in a P District and containing more than 5,000 square feet of land area, unless otherwise specified on an approved development plan or in a proffered or development condition. There is no coverage limit for a lot located in a P District and containing no more than 5,000 square feet of land area.

Option B:

(2) 50 percent *[Advertised range is from 30 to 60 percent]* of the minimum required rear yard on any lot located in a P District, unless otherwise specified on an approved development plan or in a proffered or development condition.

Option C:

(2) As presented in the following sliding scale, P District lots are subject to the following, unless otherwise specified on an approved development plan or in a proffered or development condition:

Lot Size	Max. Rear Yard Coverage
Up to 5,000 SF	100%
5,001–5,100 SF	90%
5,101–5,200 SF	80%
5,201–5,300 SF	70%
5,301–5,400 SF	60%
5,401 or more SF	50%

Option D:

(2) 50 percent [Advertised range is from 30 to 60 percent] of the minimum required rear yard on any lot located in a P District and containing more than 5,000 square feet of land area, unless otherwise specified on an approved development plan or in a proffered or development condition, or 75 percent of the minimum required rear yard for lots containing no more than 5,000 square feet of land area, unless otherwise specified on an approved development plan or in a proffered or development condition.

B. The minimum required rear yard coverage includes the following:

- (1) Any fully or partially roofed freestanding accessory structure, such as a garage, shed, gazebo, and other similar structure, including any horizontal projection. (Reference Plate 1 of Illustration 6 in Appendix 2);**
- (2) Any other freestanding accessory structure, including any children's play equipment, sports court, pool and associated decking, and any other similar structure measured around the perimeter of the outermost horizontal extensions of the equipment, structure, or surface (Reference Plate 2 of Illustration 6 in Appendix 2);**
- (3) Any horizontal projection from the principal dwelling that touches the ground, such as a chimney, stair, stoop, HVAC equipment, patio, deck and other similar projection. However, any horizontal projection from the principal dwelling which does not touch the ground (other than the support posts for a deck), including an eave, bay window, open deck, or other similar projection is not included in the minimum required rear yard coverage (Reference Plate 3 of Illustration 6 in Appendix 2);**
- (4) Any driveway, parking space, walkway and sidewalk greater than 5 feet in width, regardless of the surface or edging material used.**

C. Any portion of the principal dwelling that receives approval to encroach into the minimum required rear yard is not included in the minimum required rear yard calculation (Reference Plate 4 of Illustration 6 in Appendix 2).

D. For the purposes of this provision, for any single family detached lot in a P District that is not subject to a proffered condition establishing minimum rear yards, the required minimum rear yard will be governed by the regulations of that conventional residential zoning district which most closely characterizes the given development.

E. An increase in the percentage of minimum rear yard coverage may be permitted in accordance with the provisions of Part 9 of Article 8 for lots located in an R District. For lots located in a P District, an increase in the percentage of minimum rear yard coverage may be permitted with approval of an amendment to the development plan if subject to proffered yards or by Special Permit in accordance with Part 9 of Article 8 if not subject to proffered yards.

Amend Article 18, Administration, Amendments, Violations and Penalties, Part 1, Administration, to read as follows:

- **Revise Sect. 106, Applications and Zoning Compliance Letter Fees:**

- **Amend Par. 1, Group 9 Special Permit entries, as follows:**

1. Application for a variance, appeal, special permit or special exception:

Application for a:

Group 9 special permit

Open air produce stand	\$1810
Accessory dwelling unit; modification to the limitations on the keeping of animals	\$435
Increase in fence and/or wall height in any front yard on a single family dwelling lot	\$435
Increase in fence and/or wall height in any front yard on all other uses	\$2500
Modification to minimum yard requirements for R-C lots	\$185
Error in building location; reduction of certain yard requirements on a single family dwelling lot; modification of minimum yard requirements for certain existing structures and uses; certain additions to an existing single family detached dwelling when the existing dwelling extends into a minimum required yard by more than fifty (50) percent and/or is closer than five (5) feet to a lot line; noise barriers on a single residential lot; modification of grade for single family detached dwellings; <u>increase in the percentage of minimum required rear yard coverage for single family detached dwellings</u>	\$910
Reduction of certain yard requirements on all other uses	\$8180
All other uses	\$16375

- **Amend Par. 2, Application for an amendment to the Zoning Map entries, as follows:**

- Amendments to a previously approved proffered condition and/or development plan, final development plan, conceptual development plan, PRC plan or concurrent conceptual/final development plan for:
 - Increase in fence and/or wall height on a single family lot \$435
 - A reduction of certain yard requirements on a single family lot; or \$910
 - Increase in coverage limitation for minimum required rear yards \$910
 - Increase in fence and/or wall height on all other uses; or \$2500
 - A reduction of certain yard requirements on all other uses; or \$8180
 - The addition of or modification to an independent living facility \$1100 for low income tenants.

Amend Appendix 2, Illustrations, to add the following Illustration 6, Plates 1-4, as follows:

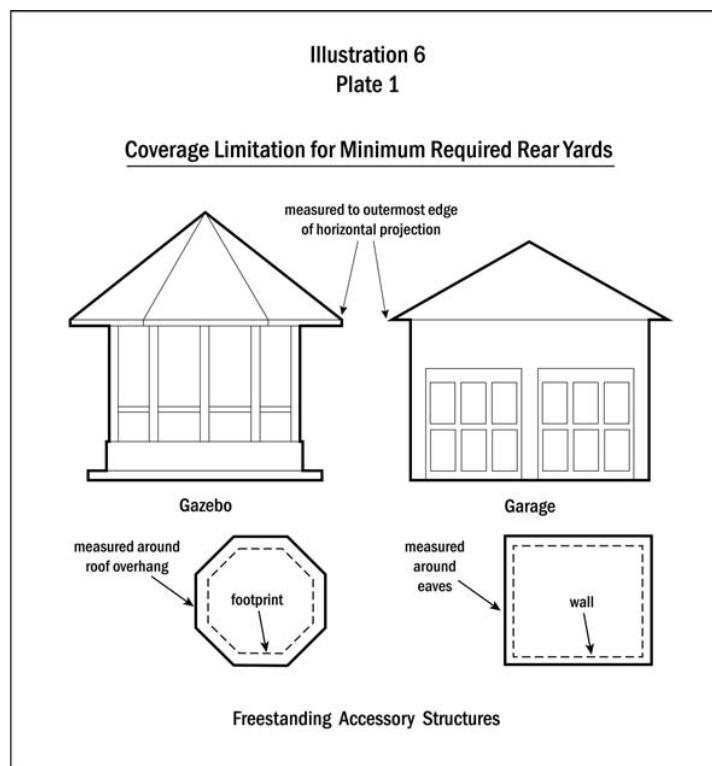
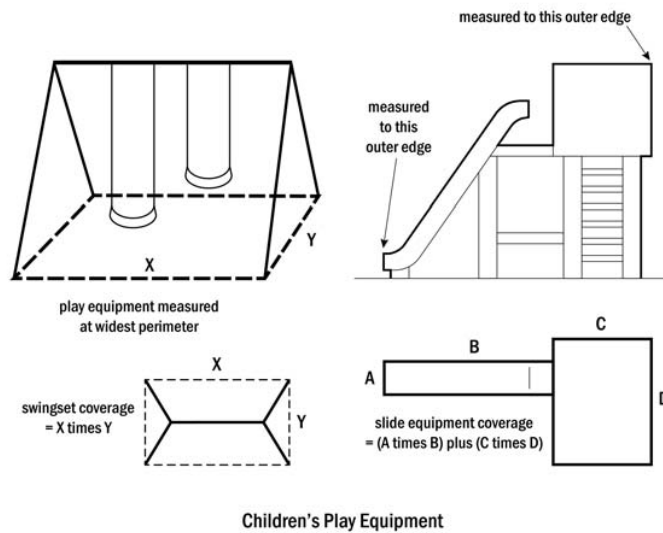


Illustration 6
Plate 2

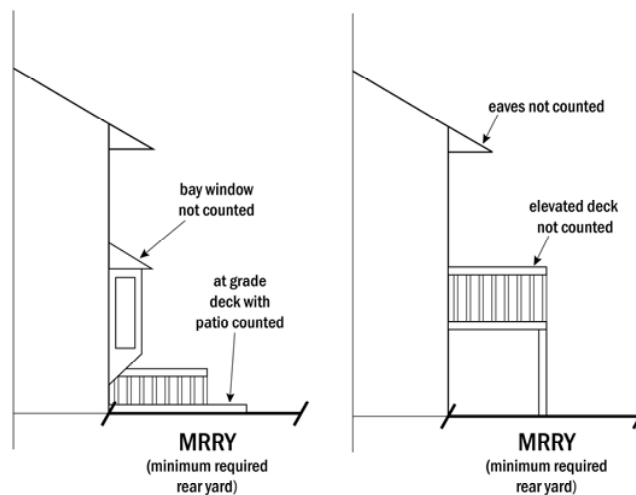
Coverage Limitation for Minimum Required Rear Yards



1

Illustration 6
Plate 3

Coverage Limitation for Minimum Required Rear Yards

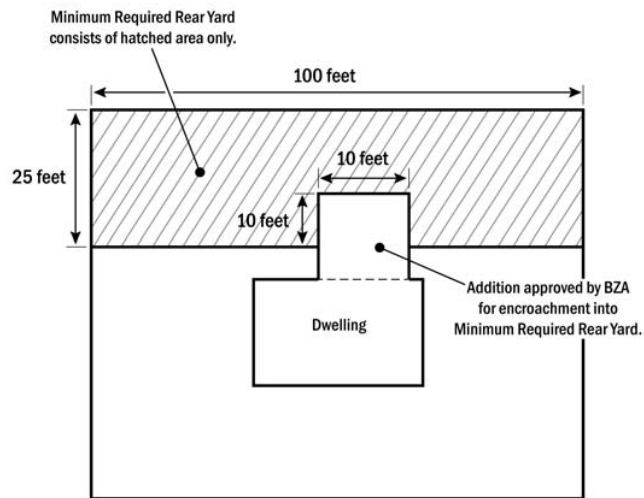


Horizontal Projections from Principal Dwelling

2

**Illustration 6
Plate 4**

Coverage Limitation for Minimum Required Rear Yards



Minimum Required Rear Yard area = (25 times 100) minus (10 times 10) = 2500 sf minus 100 sf = 2400 sf

Minimum Required Rear Yard with Previously Approved Encroachment Excluded

**County of Fairfax, Virginia
Planning Commission Meeting
May 3, 2018
Verbatim Excerpt**

ZONING ORDINANCE AMENDMENT – ARTICLES 8, 10, 18 AND APPENDIX 2 - MINIMUM REQUIRED REAR YARD COVERAGE LIMITATIONS FOR SINGLE FAMILY DETACHED DWELLINGS – An amendment to Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows:

- (1) Amend Sect. 10-102, Permitted Accessory Uses, to remove the 100-square-foot size limitation on a child's playhouse.
- (2) Amend Par. 3 of Section 10-103 as follows:
 - a. To increase, from 30% up to 50%, the maximum coverage allowed by right for accessory uses and structures within the minimum required rear yard of any lot containing a single-family detached dwelling in an R-District.
 - b. To increase, from 30% up to 60%, the maximum coverage allowed by right for accessory uses and structures within the minimum required rear yard of any lot containing a single-family detached dwelling in the P-Districts and to exempt from the maximum rear yard coverage restriction any such P District lot that does not exceed 5,000 square feet of land area.
 - c. To clarify which structures and uses are included in the rear yard coverage calculations, specifically freestanding accessory structures, projections from the principal dwelling that touch the ground, and driveways, parking spaces, sidewalks, and walkways that are greater than 5 feet in width.
 - d. To specify that any portion of the principal dwelling that receives approval to encroach into the minimum required rear yard is not included in the rear yard coverage calculation.
 - e. To specify that, for the purposes of this provision, for a lot within a P-District that is not subject to proffered rear yards, the required minimum rear yard is governed by the regulations of that conventional residential zoning district which most closely characterizes the given development.
 - f. To specify that an increase in the percentage of minimum rear yard coverage may be permitted with the approval of a special permit or, for lots located in a P District, an amendment to the development plan.
- (3) Revise Article 8, Sect. 8-901 to add a new special permit use to increase the percentage coverage of the minimum required rear yard for single-family detached dwellings, and add a new Section 8-926, entitled "Provisions for Increase in the Percentage of Minimum Required Rear Yard Coverage," to allow for the BZA to approve a special permit to increase the maximum coverage of minimum required rear yards. This section sets out additional standards and submission requirements that would have to be met for the approval of such a special permit, including that the approval will allow no more than 60 percent of the minimum required rear yard to be covered by any accessory structure and use and allows the BZA to impose conditions it deems necessary to satisfy these standards.
- (4) Amend Sect. 8-914 and 8-922 to revise the submission requirements to add a requirement to include the percentage that the minimum required rear yard is covered with accessory structures and uses.
- (5) Pursuant to authority granted by § 15.2-107 and §15.2-2286 (A) (6) of the Code of Virginia, amend Article 18, Par. 1, Sect. 106 to establish a \$910 fee for a Group 9, Special

ZONING ORDINANCE AMENDMENT – ARTICLES 8, 10, 18 AND APPENDIX 2 – Page 2
MINIMUM REQUIRED REAR YARD COVERAGE LIMITATIONS
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Permit to increase rear yard coverage on a lot with a single-family detached dwelling in an R-District. In addition, Par. 2 of Section 106 will be amended to establish a \$910 fee for a development plan amendment to increase rear yard coverage on a lot with a single-family detached dwelling in a P-District.

(6) *Amend Appendix 2, Illustrations, to add four plates clarifying coverage calculations as “Illustration 6.” (Countywide)*

Decision Only During Commission Matters
(Public Hearing held on April 18, 2018)

Commissioner Hart: Thank you, Mr. Chairman. On April 18, the Commission had a public hearing on a Zoning Ordinance Amendment for minimum rear yard coverage for single family detached dwellings, and deferred decision until tonight. I want to thank our staff team, particularly Casey Judge, Drew Hushour, Ellie Coddington, Randy Bartlett and the Zoning Administrator, Leslie Johnson, and also David Stoner in the County Attorney’s office, for their fine work on this project, including extensive community outreach. I also want to thank the citizens and groups who testified and submitted written comments. I also want to thank my colleagues who have weighed in, and there once again is a spectrum of opinions as to the details. This amendment was originally intended to address a couple recurring problems, the lack of flexibility for homeowners in a couple unfortunate P district subdivisions to install patios, decks and porches in the minimum rear yard without filing an FCPA – FDPA, excuse me. This is what happens when – when I’m the typist. Sometimes referred to as the Kingstowne problem, and the dilemma for innocent homeowners purchasing an existing home with a rear yard swimming pool who receive a violation for minimum rear yard coverage, having bought the zoning violation along with their new home, without having done anything. With a single-family home, with an existing swimming pool, concrete deck and a small pump house, the homeowner may instantly be in violation, and may be stuck between ripping out the pool and concrete deck, or obtaining a variance, for which the standards are very severe. The Board has wanted to accommodate more flexibility for homeowners in both these scenarios. This amendment also addresses some other desired clarifications. At the same time, the desire for homeowner flexibility may conflict with other objectives in the ordinance, particularly environmental concerns, tree cover and stormwater management issues. We’ve received some pushback from citizen groups, and from EQAC, about the scope of the amendment. I agree that perhaps we may have gone further towards flexibility than was necessary, at the expense of our environmental objectives. I will therefore be moving that we recommend to the Board of Supervisors a slightly modified version of the original staff recommendation, including Option D in the most recent handout, which will require re-advertising before the Board of Supervisors public hearing, but as I understand it will not require the Commission to have another public hearing. I believe that compromise adequately addresses the concerns of both sides. As to R district lots, I am supporting the staff recommendation of retaining the current thirty percent by-right maximum coverage, but allowing homeowner applications for a special permit, rather than a variance, on a case-by-case basis, to increase coverage up to sixty percent, which I believe is more than sufficient to address most of the situations presented. That case-by-case review will require notice and a public hearing, and may result in appropriate development conditions to address any impacts generated. That also is the approach supported by EQAC for R districts. As to P district lots, my conclusion is somewhat more complicated. It’s very difficult to come up with a “one size fits all” recommendation. As to Option B, I believe that a fifty percent by right figure across the board, on the one hand is likely

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too low for the smallest P district lots, for which a patio or deck may more typically approach the sixty percent figure. I also believe that the larger P district lots do not need anything like fifty percent, and that we would be unnecessarily sacrificing pervious surface and tree cover for simplicity. For the smaller lots, I have concluded that a seventy-five percent maximum is more than generous, and that even sixty percent should be sufficient for a large patio or deck, leaving some remaining green space. As to the issue of an exemption for the P district lots under 5,000 square feet, I have concluded, based in part on some of the pushback we have received, that goes too far. I do not believe that a one hundred percent by right minimum yard coverage on a detached single family lot is necessary or appropriate, simply to facilitate homeowner flexibility, especially in view of our water quality and Chesapeake Bay objectives. I also believe that the other possible approach, the Option C sliding scale for the smaller lots, is way too complicated and arbitrary, and will not easily be administered by the citizens and contractors trying to figure it out, and will not easily be enforced by staff. The sliding scale approach also seems entirely contrary to our ZMOD objectives to streamline and simplify this type of regulation. Nevertheless, because the amendment will be readvertised to facilitate the Board's consideration of Option D, I see no harm in including Option C in the readvertising, for the Board's consideration, with the stipulation that we're recommending against Option C. Where does this leave us? On the R districts, we would retain the current...

Chairman Murphy: I think that's a rhetorical question.

Commissioner Hart: Well, I'm trying to sum up here...

Commissioner Sargeant: Wait, he's getting to the end.

Commissioner Hart: On the R districts, we would retain the current percentage, but allow homeowners a more realistic procedural path to go above the thirty percent maximum, with the safeguards of a public hearing and case by case review with development conditions. For the P districts, with Option D we are still accommodating much greater homeowner flexibility to deal with the Kingstowne patio and deck problem, but by capping the smaller lots at seventy-five percent rather than a total one hundred percent exemption, we are still retaining some pervious surface and preserving some vegetated separation. We have to draw the line somewhere, and at the same time, a hundred percent is too much. I believe this package, including Option D, is an appropriate recommendation, given the universe of comments received, and my judgment as to an appropriate compromise. Finally, following the public hearing, staff is also recommending one additional change, which also will require readvertising to allow the Board to consider it. And I agree with staff's recommendation on this. For P district lots, that are not subject to proffered yards where the homeowner wants permission to go above the fifty percent or seventy-five percent maximum, staff is now recommending that the homeowner also have the option to proceed by special permit application, rather than only by final development plan application. This optional procedure will still require notice and a public hearing with the Board of Zoning Appeals, and an opportunity for imposition of appropriate development conditions to mitigate impacts. This also is consistent with the approach recommended for R district lots, is consistent with the other types of yard cases heard by the BZA, and will not burden the Planning Commission with additional unwanted cases in this category. I support staff's modified recommendation in this regard, and will be including that issue in the follow-on motion. Therefore, first, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED

ZONING ORDINANCE AMENDMENT REGARDING THE MINIMUM REQUIRED REAR YARD COVERAGE LIMITATIONS FOR SINGLE FAMILY DETACHED DWELLINGS, TO INCLUDE THE FOLLOWING AS DISCUSSED IN THE STAFF REPORT, STAFF'S MEMORANDUM DATED APRIL 26, 2018, AND ITS PROPOSED TEXT INCLUDING:

- A MAXIMUM PERMITTED COVERAGE OF THIRTY PERCENT IN THE MINIMUM REQUIRED REAR YARD OF R DISTRICT LOTS;
- A MAXIMUM PERMITTED COVERAGE OF FIFTY PERCENT IN THE MINIMUM REQUIRED REAR YARD OF P DISTRICT LOTS IN EXCESS OF 5,000 SQUARE FEET IN LAND AREA; AND
- WITH REGARD TO LOTS OF NO MORE THAN 5,000 SQUARE FEET IN LAND AREA IN P DISTRICTS, OPTION D AS SHOWN IN THE APRIL 26, 2018, PROPOSED TEXT, WHICH ALLOWS A MAXIMUM PERMITTED COVERAGE OF SEVENTY-FIVE PERCENT OF THE MINIMUM REQUIRED REAR YARD, UNLESS OTHERWISE SPECIFIED ON AN APPROVED DEVELOPMENT PLAN OR IN A PROFFERED OR DEVELOPMENT CONDITION;
- I ALSO MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE AMENDMENT BECOME EFFECTIVE AT 12:01 A.M. THE DAY FOLLOWING ADOPTION.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the...and yes?

Commissioner Cortina: [Inaudible].

Chairman Murphy: Discussion. Okay I thought you were seconding also. Is there a discussion? Ms. Cortina.

Commissioner Cortina: Yes. Thank you, Mr. Chairman. I am concerned as are several organizations like EQAC and the Tree Commissioners, that allowing the P districts to include by-right up to seventy-five percent is – is going too far. And, I would recommend that we stick with Option B which has already been advertised for the lots that are less than 5,000 square feet. Because the Kingstowne problem is going to become the Fairfax County problem and the Chesapeake Bay problem. We really don't even know the full extent of the problem if accumulatively we start to allow all kinds of impervious surface in these lots. So, I would – I plan to abstain. Thank you.

Chairman Murphy: Further discussion of the motion. Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. The Drainessville District doesn't have much in the way of P district, has a lot in connection with the R district. And I know there are some folks there who wanted to stick very strictly to the thirty percent but also to allowing only the use of a variance to go beyond the thirty percent. And, I feel that that's a little too rigid, I'm gonna

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support the amendment that sticks with the by-right thirty percent but allows up to sixty percent with the special permit in the R district. And I think that the BZA review – the staff review and the BZA review in the process can very effectively address some of the concerns about coverage, about impact on neighbors, about steps that need to be taken in order to avoid problems with runoff on neighboring properties. And it's all in the context of a public hearing as well, with notice to the neighbors who could come in and discuss exactly why they think it would have a negative impact on – on their adjacent property. So, I do plan to vote for the motion under consideration.

Chairman Murphy: Okay. Further discussion of the motion? All those in favor of the motion on the Zoning Ordinance Amendment Rear Yard coverage as articulated by Commissioner Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Cortina abstains. Okay.

Commissioner Hart: Mr. Chairman.

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: Yes. Secondly, as a follow-on motion, I MOVE THAT THE PLANNING COMMISSION DIRECT STAFF TO ADVERTISE – I GUESS IT'S RE-ADVERTISE, FOR THE BOARD'S CONSIDERATION THE FOUR OPTIONS CONCERNING P DISTRICT LOTS, AS WELL AS STAFF'S RECOMMENDATION THAT A SPECIAL PERMIT OPTION BE MADE AVAILABLE TO INCREASE THE PERCENTAGE OF MINIMUM REAR YARD COVERAGE FOR LOTS IN THE P DISTRICT THAT ARE NOT SUBJECT TO PROFFERED YARDS, AS OUTLINED IN STAFF'S MEMORANDUM DATED APRIL 26, 2018, AND SHOWN IN ITS ATTACHED PROPOSED TEXT.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Cortina: Abstained.

Chairman Murphy: Ms. Cortina abstains.

Commissioner Hart: Thank you.

Each motion carried by a vote of 11-0-1. Commissioner Cortina abstained from the vote.

SL

Board Agenda Item
May 15, 2018

4:00 p.m.

Public Hearing on Plan Amendment 2013-III-DS1 (Dulles Suburban Center Study), Located in Western Fairfax County, Adjacent to the Eastern and Southern Boundaries of the Washington Dulles International Airport and East of Loudoun County (Sully and Dranesville Districts)

ISSUE:

Plan Amendment #2013-III-DS1 proposes revisions to the Dulles Suburban Center section of the Comprehensive Plan. The revisions are intended to ensure consistency with current policy and practice, reflect existing development, make editorial and organizational changes, and propose new land use recommendations for some areas.

PLANNING COMMISSION RECOMMENDATION:

On April 26, 2018, the Planning Commission voted 11-0 (Commissioner Sargeant was absent from the meeting) to adopt a Planning Commission alternative to the staff recommendation for Plan Amendment 2013-III-DS1, as set forth in the handout dated April 18, 2018 and revised through April 26, 2018.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation with the exception of the residential option for the Long and Foster and Albemarle sites in Land Unit I, as shown on pages 4-5 of the Planning Commission verbatim and handout. The reasons are outlined in the staff report, and include concerns about isolation of the community within an industrial context.

TIMING:

Planning Commission public hearing – April 18, 2018
Planning Commission decision-only – April 26, 2018
Board of Supervisors' public hearing – May 15, 2018

BACKGROUND:

On July 9, 2013, through the approval of the 2013 Comprehensive Plan Work Program, the Fairfax County Board of Supervisors (Board) authorized Plan Amendment (PA) 2013-III-DS1 for consideration of a Comprehensive Plan Amendment for the Dulles Suburban Center. The Plan Amendment proposes updates to the Plan guidance based on the work of the Dulles Suburban Center Advisory Group and staff, who evaluated the

Board Agenda Item
May 15, 2018

existing conditions and the planned land uses for the Dulles Suburban Center. This Plan Amendment does not include proposed revisions to land use recommendations for Land Units A, B, and L of the Dulles Suburban Center since they were the subject of recent land use studies or updates.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment I: Planning Commission Verbatim Excerpt and Recommendation

The Staff Report for PA 2013-III-DS1 has been previously furnished and is available online at: https://www.fairfaxcounty.gov/planning-zoning/sites/planning-zoning/files/assets/documents/compplanamend/dullessuburbancenter/documents/combined_staff_report_final.pdf

STAFF:
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)
Marianne R. Gardner, Director, Planning Division (PD), DPZ
Leanna H. O'Donnell, Branch Chief, Policy and Plan Development Branch, PD, DPZ
Clara Johnson, Branch Chief, Policy and Plan Development Branch, PD, DPZ
Roger Dindyal, Planner II, Policy and Plan Development Branch, PD, DPZ

PA 2013-III-DS1 – COMPREHENSIVE PLAN AMENDMENT (DULLES SUBURBAN CENTER)

– To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the Code of Virginia, Title 15.2, Chapter 22. Plan Amendment 2013-III-DS1 proposes revisions to Dulles Suburban Center Area-wide and Land Unit guidance. The Dulles Suburban Center comprises approx. 6,644 ac. adjacent to the eastern and southern boundary of the Washington Dulles International Airport for an area that generally extends just north of the Dulles Airport Access and Toll Road and south to I-66 in the Sully and Dranesville Supervisor Districts. The area is predominantly planned for office, industrial and industrial/flex uses with some areas planned for residential and retail uses. Land Units A and L are planned as a higher intensity mixed-use node. The amendment will consider revisions to ensure consistency with current policy and practice, reflect existing development, and make editorial and organizational changes.

In addition, a number of site-specific land use and intensity recommendations are proposed for Land Units D, E, F, H, I and J as follows: DSC-D3-1 (Wall Road): Tax Map parcel 24-4((1))6C1 is currently planned for office uses in the range of .50 to 1.0 FAR with options for training facility, hotel/conference center and another option for mixed use up to .70 FAR with conditions including at least 5-10% retail and office use. The amendment considers revising the mixed-use option to remove the 5-10% retail and office use and replace it with 100 single-family attached units. DSC-E3-1 (Sullyfield Park): Tax Map parcels: 34-3((5))G1, H2, H3; 34-3((7))5A; 34-4((11))H1; 34-4((13))3, 4 are currently planned for office, retail and industrial uses up to .35 FAR. The amendment considers adding hotel use. DSC-F2-1 (Avion): Tax Map parcels 34-1((3))1, B4, B5 are currently planned for office and industrial/flex uses up to .50 FAR, ancillary retail uses should not to exceed 20%, conventional strip or freestanding commercial development is not planned along Rt. 50 and Willard Rd. The amendment proposes to increase planned intensity to .75 FAR for mixed-use development that could include office, hotel, retail personal service, medical care facilities, entertainments uses and assisted living. DSC-H-1 (Euro Motorcars): Tax Map parcel 34-1((1)) 2A is currently planned for industrial, research and development and industrial/flex up to .35 FAR. The amendment considers adding an option for auto dealership use on the western portion of the parcel. DSC-I-1 (Long and Foster) and the Albemarle subdivision: Tax Map parcels 44-1((17)) 1, 5, C, A; 34-3((14)) B, 2, 3, 4, 6 and 34-3((1)) 34 are planned for light industrial an industrial/flex up to .35 FAR with an option for hotel, office and industrial/flex up to .35 FAR and another option for hotel and office up to .70 FAR. The amendment considers adding an option for residential use with support retail use up to 1.0 FAR. DSC-J-3 (Westfields) & DSC-J-2 (Conference Center Drive) address the area east and west of Route 28, between Willard Rd and Ellanor Lawrence Park which is planned for a mix of uses that includes office, conference center/hotel, industrial flex and industrial use at an average .50 FAR. The plan amendment considers adding a mixed-use area that includes a residential and retail component on the east side of Route 28. Land Unit E-2 (Sully Place/Sully Plaza): Tax Map parcels 34-4((1))16B, 16C, 16D, 16E, 16F, 24A, 26A, 62A1, 62A2, 62B, 62C are currently planned for retail with ancillary office use not to exceed 20%, up to .25 FAR. The plan amendment considers adding an option for mixed-use with a residential component up to .50 FAR. Recommendations relating to the transportation network may also be modified. (Dranesville, Hunter Mill, and Sully District)

Decision Only During Commission Matters
(Public Hearing held on April 18, 2018)

Commissioner Tanner: Thank you, Mr. Chairman. I have a decision only on PA 2013-III-DS1, the Dulles Comprehensive Plan Amendment for the Dulles Suburban Study. Last week, we held the public hearing and it went very well, had great speakers. And there were a few current concerns we had afterwards that I wanted to spend a week addressing with other Commissioners and staff. So, in just a little bit of background, on July 9th, 2013, through the approval of the 2013 Comprehensive Plan Work Program, the Fairfax County Board of Supervisors authorized the Plan Amendment 2013-III-DS1 for consideration of a Comprehensive Plan Amendment for the Dulles Suburban Center. Now, in addition to that, I proposed adding an option for mixed used – a mix of uses at the Long and Foster and Albemarle sites in Land Unit I to include residential uses, as you can see in the attachment passed out earlier today. My alternative language proposes for this option, as well as conditions for this option, located on page 2 of the handout. I'm also proposing a sequence of editorial changes that will remove prescriptive language where applicable, simplify references, restructure certain sections for a more logical flow, and introduce additional text that will clearly differentiate policy references and/or standards. Also, I was talking with Commissioner Cortina. We wanted to make sure to include some additional language, as related to the environmental study. That is also located in your handout. The changes I proposed are in bold italics. The additional ones from last week – the new language is proposed in the highlighted sections as well – highlighted yellow. So with that, Mr. Chairman, I **MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE PLANNING COMMISSION ALTERNATIVE TO THE STAFF RECOMMENDATION FOR THE PLAN AMENDMENT 2013-III-DS1, AS SHOWN IN THE HANDOUT DATED APRIL 18TH, 2018, AS REVISED THROUGH APRIL 26TH, 2018. THE PROPOSED CHANGES IN ADDITION TO THE STAFF RECOMMENDATIONS ARE IN BOLD ITALICS.**

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt the alternative to PA 2016-III-DS1 [sic], as articulated by Mr. Tanner this evening, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

The motion carried by a vote of 11-0. Commissioner Sargeant was absent from the meeting.

JLC

**Planning Commissioner Donte Tanner
Sully District**

April 18, 2018 (*Revised April 26, 2018*)

Plan Amendment 2013-III-DS1 (Dulles Suburban Center Study)

Background

On July 9, 2013, through the approval of the 2013 Comprehensive Plan Work Program, the Fairfax County Board of Supervisors authorized Plan Amendment 2013-III-DS1 for consideration of a Comprehensive Plan Amendment for the Dulles Suburban Center.

I propose adding an option for a mix of uses at the Long and Foster and Albemarle sites in Land Unit I, to include residential uses. My alternative also includes editorial changes to other sections of the text.

Motion

Mr. Chairman, I move that the Planning Commission recommend that the Board of Supervisors adopt a Planning Commission Alternative to the staff recommendation for Plan Amendment 2013-III-DS1, as shown on my handout dated April 18, 2018. Proposed changes or additions to the staff recommendation are shown in ***bold italics***.

End of Motion

Text proposed to be added is shown as underlined and text proposed to be deleted is shown with a ~~strikethrough~~.

MODIFY: Land Unit I, pages 180-182 of the Staff Report:

2. Properties located along George Carter Way (Tax Map 34-3((14))B, 2, 3, 4, 6 and 44-1((17))A, C, 1 and 5) may be appropriate for development with a mix of hotel (and/or accessory restaurant uses) and office uses up to an overall combined intensity of 0.70 FAR because of its visibility at the intersection of Route 28 and Willard Road and its proximity to Dulles International Airport, retail opportunities, and employment centers. This option's development level is contingent upon meeting the following conditions:

- Limit overall development up to a combined intensity 0.70 FAR. No more than two (2) hotels may be constructed within this land area; however individual hotel use(s) may develop up to a 1.0 FAR;
- ~~Provide improvements to the intersection of Lee Road and Willard Road to mitigate traffic impacts;~~
-
- Provide pedestrian connections to adjoining trails/walkways and transit stops;
- Provide a unified and coordinated development plan and orient some of the development towards Lee Road;
- Provide a comprehensive transportation demand management program in conjunction with any new development on the land area. The goal of such a program will be to reduce peak hour vehicle trips associated with the new office and hotel uses; and
- Access to/from the properties will be provided via George Carter Way. No additional access will be provided to/from Lee Road. No direct access will be provided to/from ~~Route 28~~ or Willard Road.

As another option, a mix of uses to include residential and office uses with community-serving retail, up to an intensity of .70 FAR, may be appropriate with full consolidation of the following Tax Map Parcels: 34-3((14))B, 2, 3, 4, 6; 44-1((17))A, C, 1, 5; and 34-3((1)) 34. This option may be appropriate if the following conditions are met:

- **Provide a minimum of 400 and a maximum of 700 residential units which should include a diversity of housing types and sizes. Multi-family housing and higher density single-family attached units are strongly encouraged to provide this diversity in housing type, and to ensure compatibility with existing development and to allow for on-site open space.**
- **A minimum of 12% of the residential units should be affordable to meet county goals for affordable and workforce housing. These units should be distributed throughout any new development and should also include a diversity of housing types and sizes to reflect that of the development;**
- **Development of this site should be phased in such a manner as to avoid creating isolated pockets of uses, and to balance the infrastructure and public amenities needed to support**

the project;

- Achieve compatibility of both site and building design with existing development;
- Provide adequate access and circulation to accommodate all uses, improve the existing north-south vehicular connection between Tax Map Parcel 34-3 ((1)) 34 and Tax Map Parcels 34-3 ((14)) B, 2 and incorporate it into the design of the development;
- Provide pedestrian connections to adjoining trails/walkways and transit stops;
- Provide a unified and coordinated development plan that provides internal and external transitions to and between existing and proposed uses and that achieves a logical and balanced orientation of development, to include orienting uses toward Lee Road as appropriate;
- Provide access via George Carter Way and Albemarle Point Place. No additional access should be provided to/from Lee Road. No direct access should be provided to/from Route 28 or Willard Road;
- Mitigate any additional transportation impacts to Lee Road and nearby intersections that are specific to this option, which may include improvements to the intersections of Lee Road/George Carter Way and Lee Road/Willard Road. Development should be phased with transportation improvements;
- Develop an onsite, publicly accessible parks network per the guidance of the Urban Parks Framework. Active and passive recreational facilities should be provided to meet the needs of residents, employees and visitors; and
- Mitigate any impact on schools resulting from increased intensity.

MODIFY: Page 45-46 of the Staff Report:

“...Planning ~~must~~ should reflect and accommodate the potential increase in Airport airport operations...”

...

“...Airport operations present constraints to development in terms of allowable building heights within flight paths and noise impacts. Policies related to building heights may be found in the Area III Plan Overview in the section “Allowable Height of Structures in the Vicinity of Dulles Airport.” To provide for a healthy living environment, Fairfax County has adopted a policy which states that new residential development is not recommended should not occur in areas with projected aircraft noise exceeding DNL 60 dBA. Fairfax County has also established an “Airport Noise Impact Overlay District” (ANIOD) around Dulles Airport. Location of noise contours around Dulles Airport is calculated by a computer model of airport operations. ~~Specific variables are:~~

— ~~Aircraft type, which include noise emanation patterns.~~

— ~~Aircraft operating sequences which include arrival/departure patterns and frequency of operation.~~

~~—Time of day, and a weighting function that adjusts for day or night operations.~~

History

The ANIOD boundaries shown on the 1986 and 1992 Comprehensive Plan map were adopted for planning purposes in 1983. These boundaries were based on data related to “Stage 2” aircraft, which generate relatively high noise levels, and on estimates of future flight operations that were developed in the late 1970s. Because of federal legislation requiring U.S. airlines to phase in a new generation of quieter aircraft (“Stage 3” aircraft), and because of changes in projected future aviation operations at Dulles Airport, in 1993 the Metropolitan Washington Airports Authority revised its noise contour projections for the area around Dulles Airport. The updated noise contour lines are substantially smaller in geographic extent than the corresponding contours shown on the 1986 and 1992 Comprehensive Plan map. Plan policy recommends a higher standard than indicated by the FAA, recommending that new residential development not be located in areas with projected aircraft noise exposures exceeding DNL 60 dBA. Where new residential development does occur near Washington Dulles International Airport, disclosure measures should be provided.”

MODIFY: Page 46 of the Staff Report:

“
...
~~Location of the Smithsonian Air and Space
Museum Annex~~ Udvar-Hazy Center

~~Dulles Airport is the location of~~ The Udvar-Hazy Center of the Smithsonian National Air and Space Museum is located on Dulles Airport property, adjacent to the Dulles Suburban Center. The facility is a significant regional, as well as national, tourist attraction that could help to shape future land use and development in this area. This facility could provide the impetus for additional tourism motel/hotel growth in the area, as well as other cultural uses that might be associated with the Museum, ~~or developed around the theme of flight and space travel.~~ Such a facility may provide additional justification for public transit in the Route 28 Corridor. ~~The desirability of this location in the Route 28 Corridor for uses of this type has been clearly demonstrated.~~ Therefore, this type of tourist use should be strongly encouraged in the Dulles Suburban Center in conjunction with tourist related facilities, including the appropriate retail, transportation, and hotel facilities ~~to deal with them.~~

MODIFY: Page 51 of the Staff Report:

~~“...Another second~~ A factor which currently limits housing opportunities within the Tax District is the impact of airport noise. Much of the land within the Tax District located to the south of Dulles Airport is within the adopted DNL 60 dBA airport noise contour. ~~Small areas of the Tax District located to the east of Dulles Airport are also within this contour. New residential development is not recommended in areas with projected aircraft noise exposures exceeding DNL 60 dBA.”~~

MODIFY: Page 53 of the Staff Report:

“Performance Based Strategy for Optional Uses

...The Performance Criteria for Optional Uses section below describes the elements for trip generation and compatibility which form the basis for the performance criteria as well as. ~~The actual performance criteria itself.~~ ***are contained*** in the section of the Plan titled ***“Performance Criteria for Optional Uses”***.

MODIFY: Page 60 of the Staff Report:

“...Urban Design Objectives

The quality of the built and natural environment is an important consideration in planning for the Dulles Suburban Center ~~because recent development has, for the most part, established a high standard for design.~~ The intent of the following design objectives is to achieve the goal of ~~protecting the existing~~ promoting a high-quality built environment, ~~and protecting the natural environment, while~~ and ensuring the compatibility of future development. Specific guidelines to be used in implementing these objectives are found in the ~~section titled “Design Guidelines for the Dulles Suburban Center.”~~ ***after Land Unit K in the Suburban Center Plan text.”***

MODIFY: Strike page 62 of the Staff Report after the Site Planning heading. This guidance was revised in the remaining site planning sections.

MODIFY: Page 64 of the Staff Report.

Open Space and /Environmental ***and Heritage Resources*** Protection

- = Plan development to ensure usable open space.
- = ***Protect and enhance an integrated network of ecologically valuable land and surface waters. Connect open space that could become a part of a corridor to facilitate the movement of wildlife and/or conserve biodiversity.***
- = Provide for a continuous open space system linking activity nodes internally and externally. Use natural environmental areas as transitions between developments, as visual amenities, passive recreation corridors, and as wildlife corridors.
- = Integrate stormwater management strategies into broader site design concepts, with a goal of designing stormwater management practices that are effective in achieving water quality and volume reduction goals while providing open space and/or visual/landscaping benefits; many low impact development practices (also known as green stormwater infrastructure) can provide both stormwater management and aesthetic benefits.
- = Where feasible, minimize areas of impervious surface through shared parking, decked or structured parking; or increased building height; or

other measures as appropriate.

- **Support tree preservation, tree planting and sensitive landscaping practices. Maximize tree preservation, remove invasive species and plant native species of trees, shrubs and other vegetation.**
- Minimize the disturbance of environmental resources and topography by integrating existing vegetation, trees and topography into site design.
- Preserve or recover and record significant heritage resources, integrating them into site design where feasible

MODIFY: Strike pages 74-77 of the Staff Report, starting with “General” and ending with the “Transit Guideway System” section. This section was replaced with new areawide transportation guidance.

MODIFY: Page 77 of the Staff Report, Environment Section.

ENVIRONMENT

The western quarter of Fairfax County, including the entire Dulles Suburban Center, is located within a geologic feature known as the Culpeper Basin, ~~an ideal landform for a major airport one of several Triassic-age basins on the east coast.~~ The area is characterized by relatively level terrain, ~~sluggish-meandering streams in broad, shallow floodplains, perched water table, shallow soils, and siltstone and sandstone bedrock located at or near the surface.~~ ~~Given the absence of mountain barriers or urban high rises, the environment for aviation is almost ideal. It may be said that~~ The geomorphology the geology of the Dulles Suburban Center area, which is also the cause of ~~contributes to~~ the area's environmental constraints, including ~~broad floodplains, poorly drained wetland areas and shallow soils, low filtration, poor groundwater recharge, highly erodible soils, and flashy hydrology which means the area is prone to rapid increases in flow and velocity of stormwater soon after rainfall. also provides an ideal site for the most significant land use determinant in the Suburban Center, the Airport itself.~~

Within the Dulles Suburban Center, airport noise and environmental quality corridors (EQC) are the primary environmental constraints to development. The floodplain areas and areas of freshwater wetlands, which account for most of the environmental quality corridor areas in the Dulles Suburban Center, are the primary environmental resources which should be protected and incorporated into the development pattern. Stormwater management and riparian buffer protection and restoration ~~plays an important role in protecting water quality and the health of the streams. The Chesapeake Bay Preservation Ordinance should not have a significant impact on planning within this area. The Ordinance's Resource Protection Areas in which development would be restricted are contained within the EQC boundaries.~~

Environmental Quality Corridors

Most of the environmentally sensitive land within the Dulles Suburban Center is included within the Cub Run, Flatlick Branch, Frying Pan Branch, Cain Branch and Horse

Pen Run Stream Valley Environmental Quality Corridors. ~~One Environmental Objective 9~~ contained in the Policy Plan is to “Identify, protect and enhance an integrated network of ecologically valuable land and surface waters for present and future residents of Fairfax County.” Policy A under this objective reads “~~For ecological resource conservations, identify, protect and restore an Environmental Quality Corridor system (EQC).~~”

Significant natural resources provide a network of biodiversity and habitat corridors in this area, including the 650-acre Ellanor C. Lawrence Park, Sully Historic Site, numerous stream valley parks, Environmental Quality Corridors (EQC's) and privately-owned property and open spaces. Environmentally-sensitive lands are especially susceptible to degradation and fragmentation from development, including the impact of new or expanded roadways. Efforts should be made to reconnect green spaces to protect and enhance habitat quality, separate potential pollution from streams and incorporate them into the EQC system if appropriate. To facilitate protection of these lands, acquisition by a public body, or open space conservation easements on private lands, should be pursued. Refer to the Environment section of the Policy Plan for additional guidance.

Because most of the land within the Dulles Suburban Center is characterized by low relief, the stream valleys have broad floodplains and poorly drained wetland areas. Areas of 15 percent slope are uncommon. In general, the boundary of the floodplain is also the boundary of the EQC. Much of the wetland area is also located within the floodplains. There are also areas of isolated wetlands which do not qualify as components of the EQC system because they are not directly connected to a stream valley. Nevertheless, these isolated wetland areas, which are common south of the Airport, constrain development because they are subject to the requirements of the Federal Clean Water Act. Activities that result in destruction of these wetlands are regulated by the United States Army Corps of Engineers and the Environmental Protection Agency.

MODIFY: Pages 80-81 of the Staff Report, and renumber accordingly:

“...Additional area-wide environmental recommendations are as follows:

1. Preserve the Horse Pen Run and Frying Pan Branch Stream Valleys through dedication to, or acquisition by, the Fairfax County Park Authority.
2. Water quality recommendations presented at the beginning of the Area III section of the Plan should be applied to those lands within the Occoquan Basin.
3. The clustering of development, where compatible, is strongly advised because it increases open space and has a beneficial effect on water quality in the Occoquan Basin.
- ~~4. Aircraft noise mitigation recommendations presented at the beginning of the Area III section of the Plan should be applied to those lands within the Dulles Airport Noise Impact Area.~~
4. ***Highway noise mitigation should be provided for noise-sensitive land uses to ensure a healthful living and working environment in which speech***

and activity interference is minimized in both interior and exterior areas.

MODIFY: Page 81 of the Staff Report:

“...Airport Noise

Much of the Dulles Suburban Center is included within the Airport Noise Impact Overlay District (ANIOD) of the Zoning Ordinance. The ANIOD was established to ensure the achievement of interior noise guidelines suggested within federal noise compatibility documents for residential and other uses that are constructed within ANIOD and to prohibit residential and certain other noise sensitive uses from areas subject to particularly severe impacts from aircraft noise. ~~*While new residential development is permitted within ANIOD, such development is not recommended in areas with projected aircraft noise exposures exceeding DNL 60 dBA. New residential development with appropriate acoustical treatment and other mitigation measures is permitted within the ANIOD. Nonetheless, Plan guidance does not recommend such development in areas with projected aircraft noise exposures exceeding DNL 60 dBA.*~~ Where new residential development does occur near Washington Dulles International Airport, disclosure measures should be provided. Figure 6-5 presents a map of the Dulles Airport noise contours as they relate to the boundaries of the Dulles Suburban Center. The DNL 65 dBA, DNL 70 dBA, and DNL 75 dBA contours reflect the greatest extent of these contours as displayed on several noise contour maps within the March, 1993 Addendum: FAR Part 150 Noise Compatibility Program, Washington Dulles International Airport prepared for the Metropolitan Washington Airports Authority (MWAA). The DNL 60 dBA contour was taken from the long-term potential DNL 60 dBA contour map provided to the county by MWAA.

A more extensive discussion of noise compatibility planning and Dulles Airport noise impacts is contained in the Area Plan Overview for Area III under the heading “Land Use Planning Within the Dulles Airport Noise Impact Area.”

MODIFY: Page 93 of the Staff Report:

“... Figure 10 specifies the classification for each trail segment which represents the primary function of that trail. Two categories of trails are identified:

~~*Stream Valley Recreational Trails primarily serve a recreation function, providing non-vehicular access to public parklands and other points of interest. Multiple purpose trails for both pedestrian and bicycle use may be developed in Multiple Use Corridors. The Fairfax County Park Authority is only responsible for maintenance of trails within public park boundaries.*~~

~~*Bicycle Transportation/Pedestrian Walkways primarily serve a non-vehicular transportation function, linking together employment centers, retail uses and transit areas and nearby public and private open space and recreation facilities. In high density residential and office settings, these trails may therefore serve a dual transportation and recreation function. These “urban pathways” may be developed within VDOT rights of way or on private property with public access easements.”*~~

Board Agenda Item
May 15, 2018

4:00 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of TMSAMS – Scotts Run Walkway (Providence District)

ISSUE:

Public Hearing on the acquisition of certain land rights necessary for the construction of Project 1400107-2013, TMSAMS Scotts Run Walkway, Fund 50000, Federal-State Grant Fund.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) adopt the attached resolution authorizing the acquisition of the necessary land rights.

TIMING:

On April 10, 2018, the Board authorized advertisement of a public hearing to be held on May 15, 2018, at 4:00 p.m.

BACKGROUND:

The County is planning to construct approximately 2,500 Linear Feet of asphalt trail through Scotts Run Stream Valley Park. This project is being permitted by Fairfax County Land Development Services (LDS) under a Stormwater Management (SWM) permit using “Grandfathered” SWM criteria requiring construction to start prior to July 1, 2019. This project requires an expedited land acquisition completion date of no later than June 18, 2018, in order to meet a Construction Award date of May 30, 2019, and construction start date of mid to late June 2019. Once completed, the walkway will connect existing sidewalks on Magarity Road with existing sidewalks on Colshire Meadow Drive; and provide access to the McLean Metrorail Station.

Land rights for these improvements are required on 7 properties. This includes 3 properties owned by the Fairfax County Park Authority Board (FCPA) and 1 property owned by the Fairfax County School Board (FCPS). The FCPA and FCPS properties will not be part of this action. The construction of the project requires the acquisition of Trail Easements and Grading Agreement and Temporary Construction Easements.

Negotiations are in progress with several owners of these properties; however, because resolution of these acquisitions is not imminent, it may become necessary for the Board

Board Agenda Item
May 15, 2018

to utilize quick-take eminent domain powers to commence construction of this project on schedule. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1903 through 15.2-1905 (as amended). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

FISCAL IMPACT:

Funding is available in Project 1400107-2013, TMSAMS – Scotts Run Walkway, Fund 50000, Federal-State Grant Fund. This project is included in the Adopted FY2018 - FY2022 Capital Improvement Program (with future Fiscal Years to FY2027). No additional funds are required at this time for land acquisition.

CREATION OF NEW POSITIONS:

There are no new positions associated with this grant.

ENCLOSED DOCUMENTS:

Attachment A – Project Location Map

Attachment B – Resolution with Fact Sheets on the affected parcels with plats showing interests to be acquired (Attachments 1A through 3A).

STAFF:

James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)

Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

ASSIGNED COUNSEL:

Pamela K. Peltó, Assistant County Attorney, Office of the County Attorney



SCOTTS RUN WALKWAY

Providence District

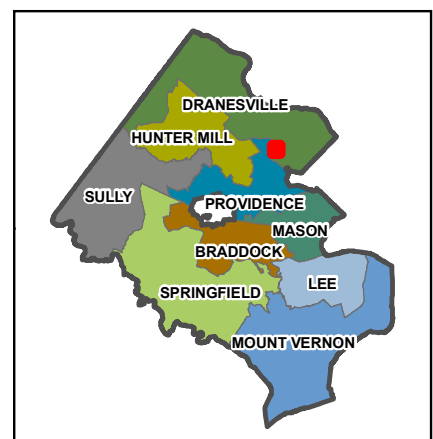
Tax Map: 29-4 ; 30-3

Project: 1400107-2013

Affected Properties:

Proposed Improvements:

0 0.05 0.1 0.2
Miles



ATTACHMENT B

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, May 15, 2018, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, certain Project 1400107-2013, TMSAMS - Scotts Run Walkway had been approved; and

WHEREAS, a public hearing pursuant to advertisement of notice was held on this matter, as required by law; and

WHEREAS, the property interests that are necessary have been identified; and

WHEREAS, in order to keep this project on schedule, it is necessary that the required property interests be acquired not later than June 18, 2018.

NOW THEREFORE BE IT RESOLVED, that the Director, Land Acquisition Division, in cooperation with the County Attorney, is directed to acquire the property interests listed in Attachments 1A through 3A by gift, purchase, exchange, or eminent domain; and be it further

RESOLVED, that following the public hearing, this Board hereby declares it necessary to acquire the said property and property interests and that this Board intends to enter and take the said property interests for the purpose of construction of approximately 2,500 LF of asphalt trail through Scotts Run Stream Valley Park. This project is being permitted by Fairfax County Land Development Services (LDS) under a Stormwater Management (SWM) permit using "Grandfathered" SWM criteria as shown

and described in the plans of Project 1400107-2013, TMSAMS - Scotts Run Walkway on file in the Land Acquisition Division of the Department of Public Works and Environmental Services, 12000 Government Center Parkway, Suite 449, Fairfax, Virginia; and be it further

RESOLVED, that this Board does hereby exercise those powers granted to it by the Code of Virginia and does hereby authorize and direct the Director, Land Acquisition Division, on or subsequent to June 14, 2018, unless the required interests are sooner acquired, to execute and cause to be recorded and indexed among the land records of this County, on behalf of this Board, the appropriate certificates in accordance with the requirements of the Code of Virginia as to the property owners, the indicated estimate of fair market value of the property and property interests and/or damages, if any, to the residue of the affected parcels relating to the certificates; and be it further

RESOLVED, that the County Attorney is hereby directed to institute the necessary legal proceedings to acquire indefeasible title to the property and property interests identified in the said certificates by condemnation proceedings, if necessary.

LISTING OF AFFECTED PROPERTIES
Project 1400107-2013 – TMSAMS - Scotts Run Walkway
(Providence District)

PROPERTY OWNER(S)

TAX MAP NUMBER

1. The Colonies Condominium
a/k/a The Colonies at McLean Condominium

030-3-27-CONDO

Address:
7681 Provincial Drive
McLean, Virginia 22102

2. Grant 1651 Old Meadow Road, LLC 029-4-06-102

Address:
1651 Old Meadow Road, Suite 650
McLean, Virginia 22102

3. Scandium LLC 029-4-06-103

Address:
1749 Old Meadow Rd
McLean, VA 22102

A Copy – Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors

ATTACHMENT 1

AFFECTED PROPERTY

Tax Map Number: 030-3-27-CONDO

Street Address: 7681 Provincial Drive
McLean, Virginia 22102

OWNER(S): The Colonies Condominium
a/k/a The Colonies of McLean Condominium

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Trail Easement – 19 sq. ft.
Grading Agreement and Temporary Construction Easement – 1,219 sq. ft.

VALUE

Estimated value of interests and damages:

TWO THOUSAND SIX HUNDRED DOLLARS (\$2,600.00)

ATTACHMENT 2

AFFECTED PROPERTY

Tax Map Number: 029-4-06-0102

Street Address: 1651 Old Meadow Road
McLean, Virginia 22102

OWNER(S): Grant 1651 Old Meadow Road LLC

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Trail Easement – 1,724 sq. ft.
Grading Agreement and Temporary Construction Easement – 1,559 sq. ft.

VALUE

Estimated value of interests and damages:

ONE HUNDRED FORTY-FIVE THOUSAND EIGHTY DOLLARS (\$145,080)

AFFECTED PROPERTY

Tax Map Number: 029-4-06-0103

Street Address: 1749 Old Meadow Road
McLean, Virginia 22102

OWNER(S): Scandium LLC

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

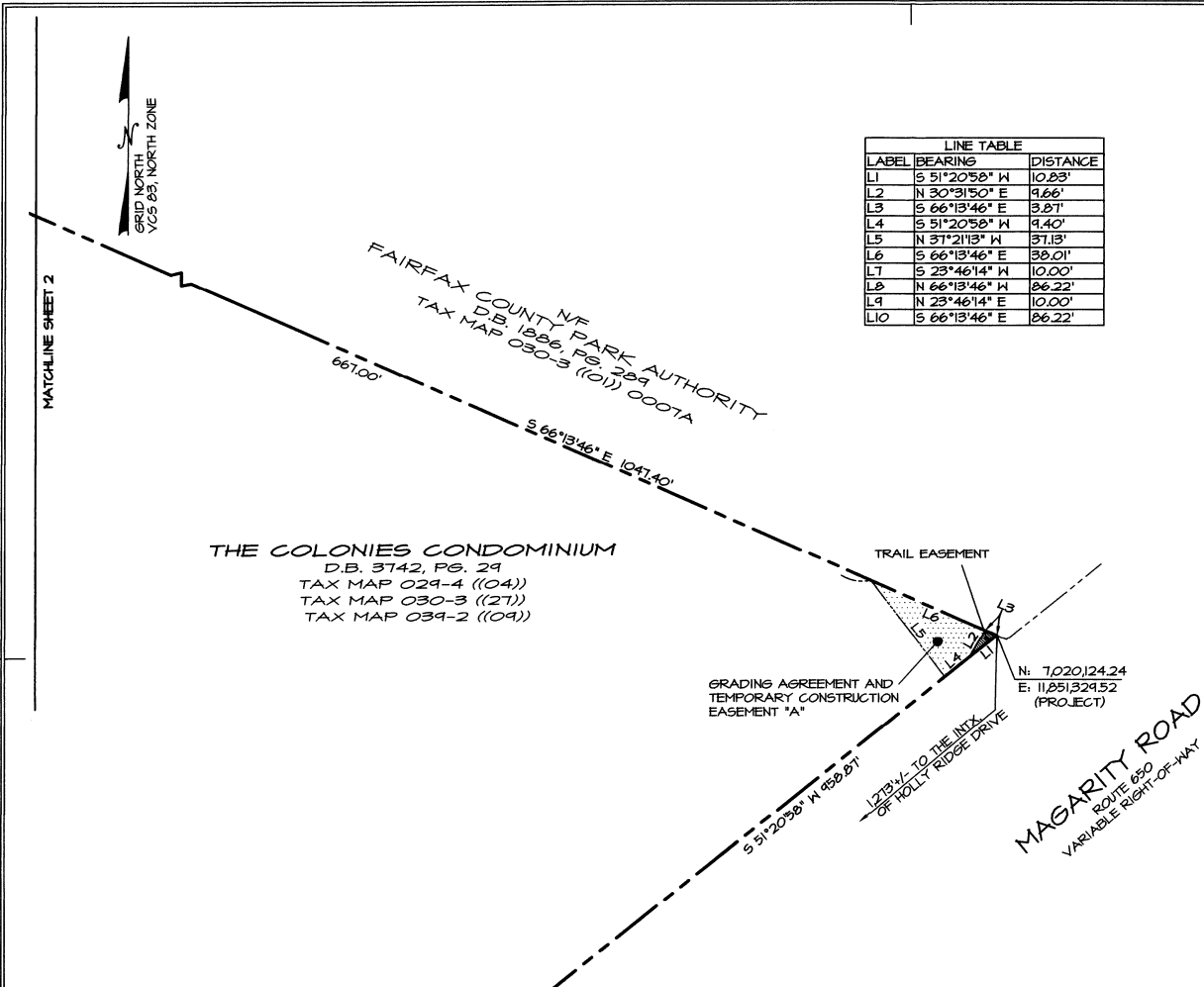
Trail Easement – 1,756 sq. ft.

Grading Agreement and Temporary Construction Easement – 2,900 sq. ft.

VALUE

Estimated value of interests and damages:

ONE HUNDRED THIRTY-ONE THOUSAND SEVEN HUNDRED DOLLARS
(\$131,700.00)



- NOTES:
1. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT; THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.
 2. THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULT OF AN ACTUAL FIELD RUN BOUNDARY SURVEY.
 3. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTERESTS OF THE COUNTY SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.
 4. THE LAND SHOWN ON THIS PLAT IS NOW HELD AS NOTED IN THE TITLE BLOCK HEREON AND RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY; ALL EASEMENTS AND DEDICATIONS FOR PUBLIC STREET PURPOSES ARE WITHIN THE BOUNDS OF THE ORIGINAL TRACT, AS DESCRIBED AND RECORDED THEREIN.
 5. THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX MAP 030-3 ((21)), 029-4 ((04)) AND 039-2 ((09)).

SCOTTS RUN WALKWAY
PROJECT #1400107-2013

FAIRFAX COUNTY, VIRGINIA
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
CAPITAL FACILITIES, LAND SURVEY BRANCH
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

PLAT SHOWING
TRAIL EASEMENT
AND
GRADING AGREEMENT AND TEMPORARY
CONSTRUCTION EASEMENT

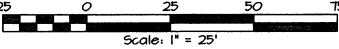
THROUGH THE PROPERTY OF
THE COLONIES CONDOMINIUM
D.B. 3742, PG. 29

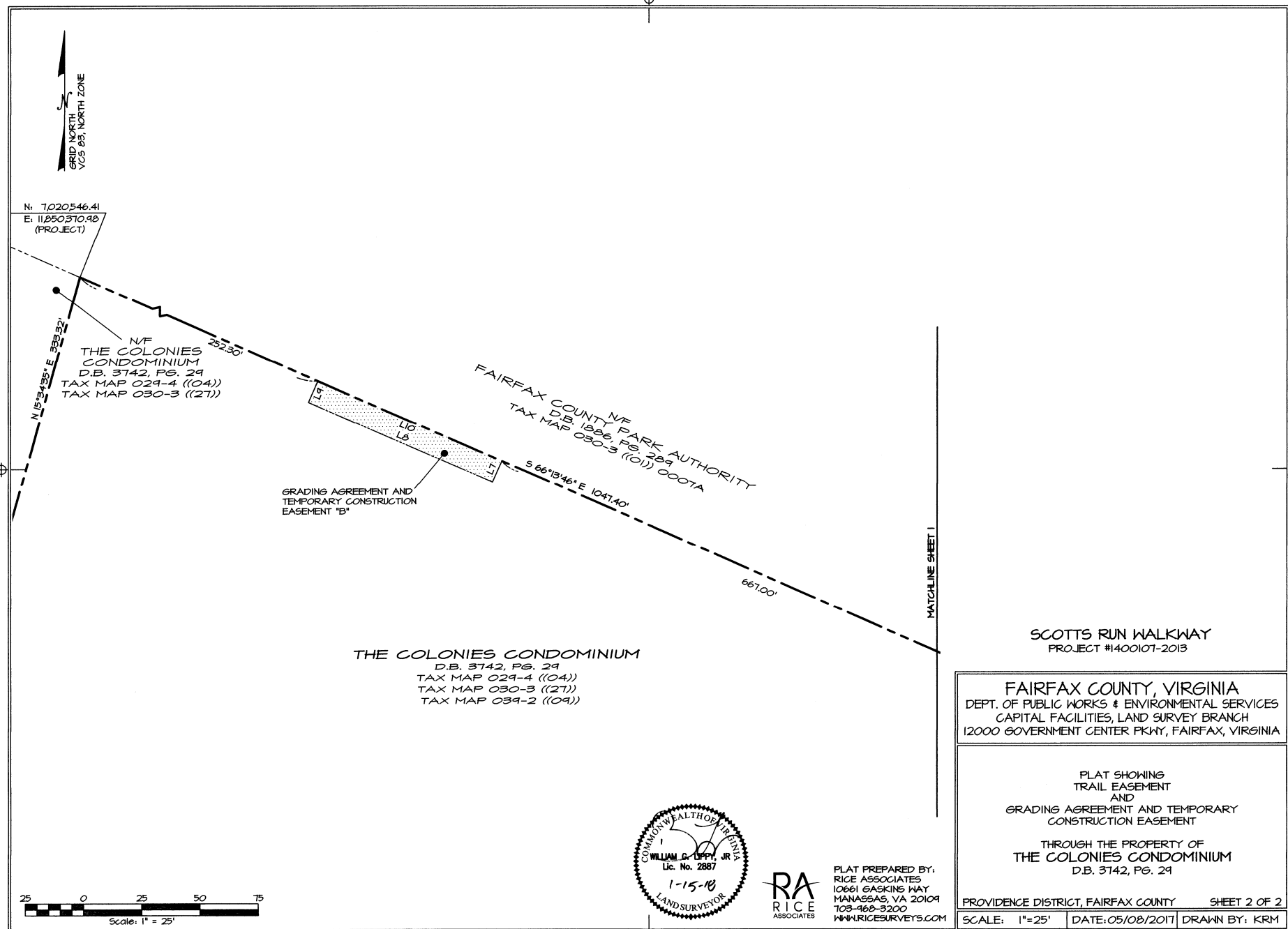
PROVIDENCE DISTRICT, FAIRFAX COUNTY SHEET 1 OF 2

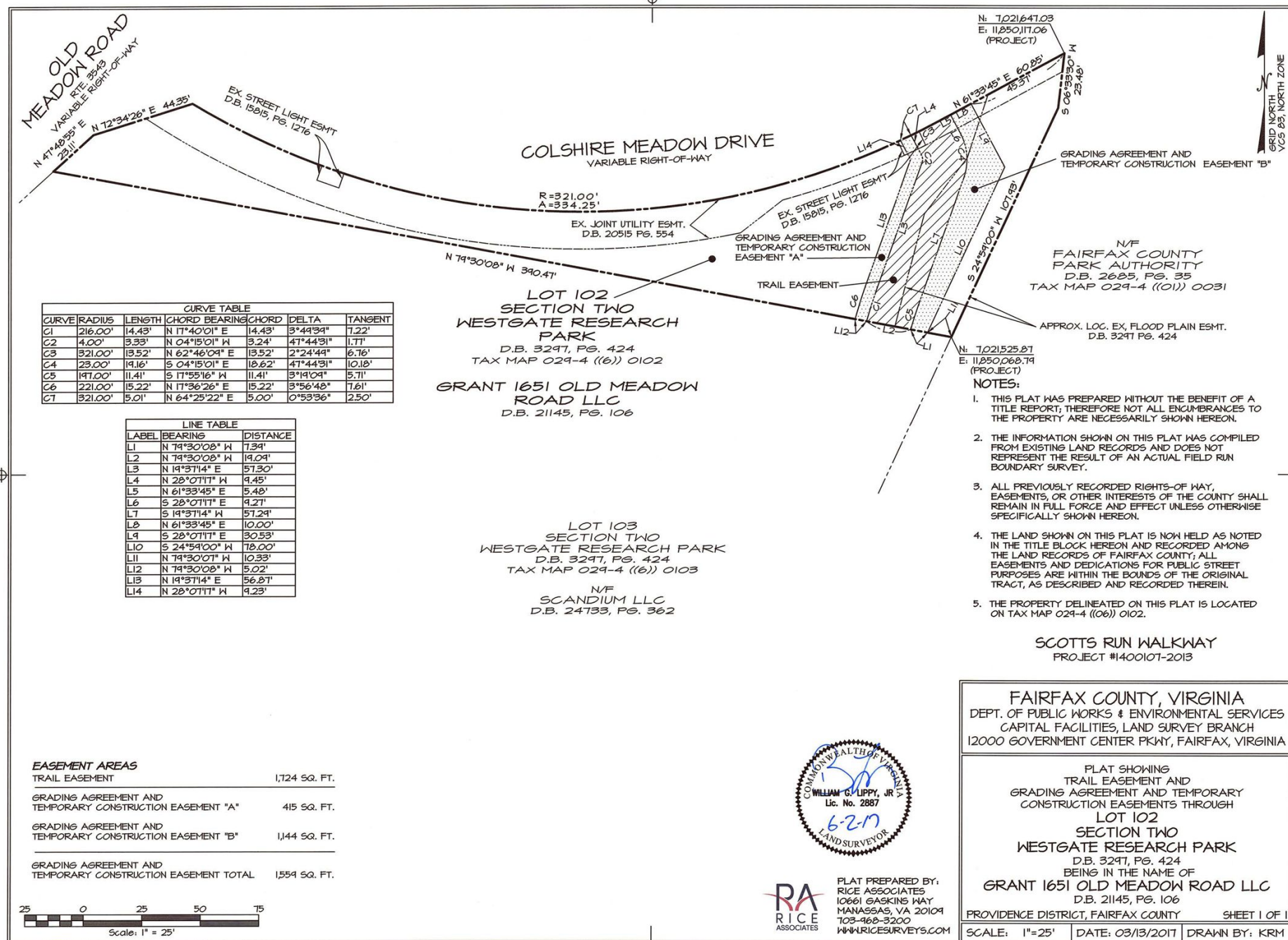
SCALE: 1"=25' DATE: 05/08/2017 DRAWN BY: KRM

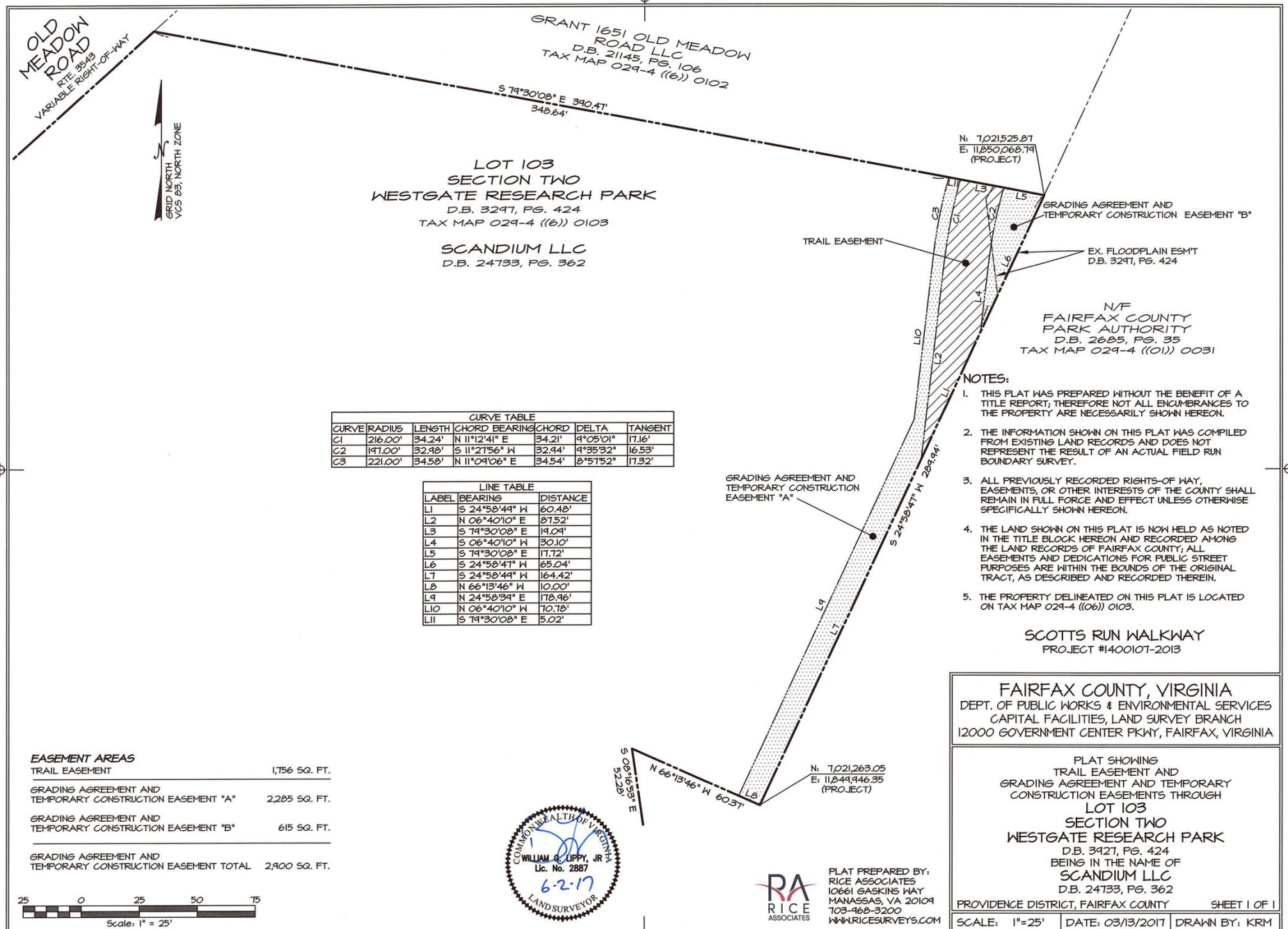
EASEMENT AREAS

TRAIL EASEMENT	19 SQ. FT.
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT "A"	357 SQ. FT.
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT "B"	862 SQ. FT.
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT TOTAL	1,219 SQ. FT.









Board Agenda Item
May 15, 2018

4:30 p.m.

Public Hearing on Proposed Plan Amendment 2018-IV-MV1, Located on the East Side of Lukens Lane, South of Richmond Highway (Mount Vernon District)

ISSUE:

Plan Amendment (PA) 2018-IV-MV1 proposes to amend the Comprehensive Plan (Plan) guidance for Tax Map Parcel 110-1 ((1)) 29, a .5 acre parcel adjacent to the existing Woodlawn Fire Station. The subject parcel is currently planned for residential uses at a density of 2-3 dwelling units per acre (du/ac). The amendment considers a baseline recommendation change to the subject area to public facility uses.

PLANNING COMMISSION RECOMMENDATION:

On April 18, 2018, the Planning Commission voted 12-0 to recommend to the Board of Supervisors the adoption of Plan Amendment 2018-IV-MV1, as set forth in the Staff Report dated April 4, 2018.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation.

TIMING:

Planning Commission public hearing – April 18, 2018
Board of Supervisors' public hearing – May 15, 2018

BACKGROUND:

On January 23, 2018, the Board of Supervisors authorized Plan Amendment 2018-IV-MV1 to consider an amendment to the adopted Plan for public facility uses on Tax Map Parcel 110-1 ((1)) 29.

FISCAL IMPACT:

None

Board Agenda Item
May 15, 2018

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt

The Staff Report for PA 2018-IV-MV1 has been previously furnished and is available online at: <https://www.fairfaxcounty.gov/planning-zoning/sites/planning-zoning/files/assets/documents/compplanamend/woodlawfirestation/2018-iv-mv1.pdf>

STAFF:

Fred R. Selden, Director, Department of Planning and Zoning (DPZ)

Marianne R. Gardner, Director, Planning Division (PD), DPZ

Jonathan Buono, Planner II, Public Facilities Planning Branch, PD, DPZ

**County of Fairfax, Virginia
Planning Commission Meeting
April 18, 2018
Verbatim Excerpt**

PA 2018-IV-MV1 – COMPREHENSIVE PLAN AMENDMENT (WOODLAWN FIRE STATION) –
To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the Code of Virginia, Title 15.2, Chapter 22. Plan Amendment 2018-IV-MV1 concerns approximately 0.5 acres generally located at 8707 Lukens Lane, Alexandria, VA 22309 (Tax map # 110-1 ((1)) 29) in the Mount Vernon Supervisor District. The area is planned for residential uses at a density of 2-3 dwelling units per acre. The amendment will consider public facilities uses. (Mount Vernon District)

After close of the Public Hearing

Commissioner Clarke: Thank you very much, Mr. Chairman. So as staff has provided the recommendation of approval to change the Plan use baseline recommendation of the property from two the three dwelling units per acre for public facility use – therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS – ADOPTION OF PLAN AMENDMENT 2018-IV-MV1, PER THE RECOMMENDATIONS OF THE STAFF DATED – IN THEIR REPORT DATED APRIL 4TH, 2018.

Commissioners Migliaccio and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Migliaccio and Mr. Sargeant, your fellow supporters of Embark. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt PA 2018-IV-MV1, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

JLC

Board Agenda Item
May 15, 2018

4:30 p.m.

Public Comment from Fairfax County Citizens and Businesses on Issues of Concern